

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2278 OF 2014
IN
FIRST APPEAL (ST) NO.5703 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Sanjeev Krishnan i/b Ms.Harshada Rane for the applicant

Mr.K.D.Rajgopal for the respondent nos.1 to 3

CORAM : K.K.TATED, J.
DATED : 25/02/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 26.3.2013 passed by MACT, Satara in MACP No.648 of 2010.
- 3 The learned counsel for the applicant submits that they have already deposited entire decretal amount with interest and cost before the Tribunal.
- 4 Statement is accepted.
- 5 The learned counsel for the applicant submits that pending the hearing and final disposal of the

First Appeal, the operation and implementation of the impugned award dated 26.3.2013 be stayed.

6 In the present proceeding, in an accident which occurred on 19.3.2010 Mahesh husband of claimant no.1 expired. At that time, he was running a Video Cassette Library in his premises at Karad. From his business, he used to get yearly income of more than Rs.1,80,000/-.

7 On the basis of these facts, the respondent claimant filed Claim Petition claiming compensation of Rs.48,50,000/-. Claimant nos.2 and 3 are minors whereas claimant nos.4 and 5 are parents of deceased.

8 Considering these facts, I am of the opinion that the claimants can withdraw some amount at present without furnishing any security. Liberty granted to the claimants to prefer appropriate application for withdrawal of further amount, if they so desire and that application be decided on its own merits.

9 Hence, following order:

a) Operation and implementation of the impugned award dated 26.3.2013 passed by MACT Satara in MACP No.648 of 2010 is stayed till the hearing and final disposal of the First Appeal.

b) Claimant no.1, Reena Mahesh Shinde is

entitled to withdraw sum of Rs.2,00,000/- lacs with accrued interest without furnishing any security.

c) Claimant nos.4 and 5, Vilas Dattajirao Shinde and Sunita Vilas Shinde are entitled to withdraw sum of Rs.1,50,000/- each with accrued interest without furnishing any security.

d) Rest of the amount be invested in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.

e) Claimant nos.1, Reena Mahesh Shinde is entitled to withdraw quarterly interest on the said fixed deposit amount for and on behalf of the applicant nos.2 and 3 who are minors at present. Withdrawal of the amount is subject to outcome of the First Appeal.

f) Liberty granted to the claimants to prefer appropriate application if they so desire for withdrawal of the further amount and that application be decided on its own merits.

g) Civil application stands disposed off accordingly.

(K.K.TATED, J.)