

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.3147/2014

IN

IN

FIRST APPEAL (ST) NO.23088/2014

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. Abhijeet A. Joshi for the Applicant
Mr. D. D. Bhosale for the Respondent No.1.
Mr. Kuldeep U. Nikam h/f. Shriram Choudhari for Respondent Nos.2 and 3.

CORAM : K. K. TATED, J.

DATE : AUGUST 13, 2015

P.C.:

1. Heard. This Application is preferred by the Insurance Company for stay of the operation and implementation of the impugned award dated 16/04/2012 passed by MACT Pandharpur in MACP No.91/2008.

2. The learned counsel for the Applicant submits that as per order dated 15/09/2014 passed by this court, they deposited the entire award amount in the Tribunal. Statement is accepted.

3. The learned counsel for the Applicant submits that the Applicant has good chance of success. He submits that the Tribunal erred in coming to the conclusion that the Insurance Company is liable to pay compensation. He submits that if entire amount is withdrawn nothing will survive in the present appeal and it would be very difficult for them to recover the same, if they succeed in the appeal. Hence, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award.

4. On the other hand, the learned counsel for the Respondent No.1 vehemently opposed the Civil Application. He submits that in the present proceedings, the Insurance Company has filed First Appeal after more than one and half year. He submits that the claimant lost her husband in an accident which occurred on 03/02/2008. On that day, the deceased Dattatray Nimbalkar was 43 years old and he was earning Rs.30,000/- pm by doing centering work. The claimant also preferred Civil Application No.1474/2015 for withdrawal of the award amount.

5. Considering the submissions made by the learned counsel for the Applicant and the

averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6. Hence, the following order:

a) The operation and implementation of the impugned award dated 16/04/2012 passed by MACT Pandharpur in MACP No.91/2008 is stayed till hearing and final disposal of the appeal.

b) Civil Application No.1474/2015 preferred by the Respondent-claimant will be decided on merits.

c) The Tribunal is directed to invest the amount in a fixed deposit account of any Nationalized Bank, initially for a period of one and half year and the same shall be renewed from time to time till hearing and final disposal of the appeal.

d) Civil application stands disposed off accordingly.

JUDGE