

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

**CIVIL APPLICATION NO. 2325 OF 2014  
IN  
FIRST APPEAL (ST.) NO. 1903 OF 2014**

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| 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. D.R. Mahadik for the applicant.

Mr. A. S. Khandeparkar i/b Warekar & warekar for respondent no.1.

**CORAM : K. K. TATED, J.**

**DATED : 03/07/2015.**

**PC.:**

. Heard learned Counsel for the parties.

2 This application is preferred by insurance company for stay of operation and implementation of the Judgment and Award dated 27.06.2013 passed by the Motor Accident Claims Tribunal, Mumbai in Application no. 1022 of 2003 awarding sum of Rs.16,74,000/- with 7.5% interest by way of compensation.

3 The learned Counsel for the insurance company submits that they have already deposited the entire awarded amount in the Tribunal. The statement is accepted.

4 The learned Counsel for the insurance company further submits that in the present First Appeal, they are challenging quantum of compensation to the extend of Rs.5,39,635/-. He

further submits that they have no objections if respondent claimant withdraw the remaining amount without furnishing any security. The statement is accepted.

5 Considering the submissions made by learned counsel for the applicant, averments made in civil application and as no objection given by learned Counsel for the applicant, I am satisfied that applicant has made out the case for allowing the civil application.

6 Hence, the following order.

a) The operation and implementation of Judgment and Award dated 27.06.2013 passed by the Motor Accident Claims Tribunal, Mumbai in Application no. 1022 of 2003, is stayed to the extent of Rs.5,39,635/- till the hearing and final disposal of the First Appeal.

b) The respondent claimant is entitled to withdraw the remaining amount from the Tribunal without furnishing any security.

c) The Tribunal is directed to invest the sum of Rs.5,39,635/- with accrued interest in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

d) Civil Application stands disposed of accordingly.

**(K.K.TATED, J.)**