

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

CIVIL APPLICATION NO.636 OF 2015
IN
FIRST APPEAL (ST) NO.2659 OF 2015

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. A. J. Gondwal i/b. S. S. Dwivedi for the Applicant.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 12, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.

2. This Application is preferred by the original opponent No.2 Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 21/07/2014 passed by the MACT Kolhapur in MACP No.323/2013 by which the Tribunal held that the Respondents claimants are entitled to compensation of Rs.14,58,800/- with 7% p.a. interest from the date of filing of Application till realisation. The learned counsel for the Applicant submits that they already deposited the entire decretal amount in the

Tribunal. He submits that the Respondent claimants filed Execution Application in which an attachment notice has been issued by the Executing Court. He submits that if the entire amount is recovered by the claimants in the Execution Application, nothing will survive in the appeal. The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the effect and implementation of the impugned judgment and award. He submits that if the stay is not granted, irreparable loss and injury will be caused to the Applicant.

3. In the present case, in an accident which occurred on 03/12/2013, the Applicant No.1 lost her husband who was 38 years old. At that time, he was working with Cygnet International Pvt. Ltd. as a Milling Machine Operator and getting salary of Rs.9,030/- pm.

4. On the basis of the evidence and the documents, the Tribunal held that the claimants are entitled to sum of Rs.14,58,800/-. The claimant Nos.2 and 3 are minor whereas the claimant Nos.4 and 5 are parents of the deceased. Considering these facts, I am of the view that at present, the claimant Nos.1,4 and 5 are entitled to

withdraw some amount without furnishing any security. Hence, the following order:

a) The operation and implementation of the impugned judgment and award dated 21/07/2014 passed by the MACT Kolhapur in MACP No.323/2013 is stayed till further orders as the Applicants have already deposited the entire decretal amount.

b) The Applicants / claimants are entitled to withdraw some amount with accrued interest in the following manner without furnishing any security.

- i) Smt. Aparna Vijay Powar – Rs. 2 lacs
- ii) Shri Mahadev Bhau Powar– Rs. 50000/-
- iii) Sou. Bharati Mahadev Powar – Rs50,000/-

c) The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of three years which will be renewed from time to time till further orders.

d) Liberty granted to the Respondent / claimants to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

e) Civil Application stands disposed off accordingly.

JUDGE