

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

CIVIL APPLICATION NO.2508/2015
IN
FIRST APPEAL NO.839/2015

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. D. S. Joshi for the Applicant

CORAM : K. K. TATED, J.
DATE : JULY 31, 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 Insurance Co. for stay of the operation and implementation of the impugned award dated 11/09/2014 passed by the MACT, Mumbai in Application No.261/2010 awarding sum of Rs.26,39,250/- with 7.5% pa interest by way of compensation.

3. The learned counsel for the Applicant submits that the Respondent-Claimant filed Execution Application No.162/2015 for recovery

of entire award amount. He submits that if entire amount is recovered by the Respondent-Claimant, nothing will survive in the present proceedings. He makes a statement that they are challenging the impugned award to the extent of Rs.11,85,250/- with interest thereon.

4. The learned counsel for the Applicant makes a statement that they are ready and willing to deposit the entire award amount in the Tribunal within 4 weeks from today. Statement is accepted.

5. The learned counsel for the Applicant submits that the amount of Rs.25000/- deposited by the Applicant at the time of filing the appeal be transferred to the Tribunal.

6. Considering the submissions made by the learned counsel for the Applicant and since the Applicant is ready and willing to deposit the entire award amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

7. As this order is being passed without issuing any notice to the Respondent, liberty can be granted to the Respondent - claimant to file an

appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

8. Hence, following order is passed:

a. The operation and implementation of the impugned award dated 11/09/2014 passed by the MACT, Mumbai in Application No.261/2010 is stayed to the extent of Rs.11,85,250/- with interest thereon, till hearing and final disposal of the appeal, subject to the Applicant depositing the entire award amount in the Tribunal within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If amount is not deposited within stipulated time as stated hereinabove the Respondent-Claimants are entitled to proceed with Execution Application No.162/2015 as per law.

c. If amount is deposited within stipulated time as stated herein above, Respondent-Claimants are entitled to withdraw the amount as under with accrued interest without furnishing any security.

i) Claimant No.1. Smt.Jayashree Dilip Maurya
Rs.1,00,000/-

ii) Claimant No.5 Ms. Kavita Bikramajeet

Maurya and No.6 Ms. Mamta Bikramajeet Maurya
Rs.1,50,000/- each.

iii) Claimant Nos.3 Bikramajeet Shambhuram
Maurya and No.4 Smt. Chandravati Bikramajeet
Maurya Rs.2,00,000/- each.

d. The Tribunal is directed to invest the
remaining amount in a fixed deposit account of any
Nationalized bank, initially for a period of one and
half year which will be renewed from time to time
till further orders.

e. Liberty granted to the Respondent - claimant
to file an appropriate Application for withdrawal
of the further amount, if they so desire, which will
be decided on its own merits.

f. Amount of Rs.25000/- deposited by the
Applicant towards statutory deposit at the time of
filing the appeal shall be transferred to the
Tribunal.

g. Civil Application stands disposed off
accordingly.

JUDGE