

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1607 OF 2013
IN
FIRST APPEAL (ST).NO.4940 OF 2013

The New India Assurance Co. Ltd. .. Applicants
-Versus-
Smt. Jaibun Raju Tamboli & Ors. .. Respondents

Mr.D.R.Mahadik for applicants
Mr.Niketan Nakhwa i/b. A.M.Gokhale for respondent No.4

CORAM : K.K.TATED, J.

DATE : 20th March 2015.

P.C.

1] Heard the learned Counsel for the parties. This application is preferred by the insurance company for staying the operation and implementation of award dated 7th July 2012 passed by the Motor Accidents Claim Tribunal, Mumbai in Application No.456 of 2006, awarding compensation of Rs.3 lakhs with 7.5 % interest to the respondent – original claimant.

2] The learned Counsel for the applicants submits that they have deposited entire awarded amount in Tribunal. The statement is

accepted.

3] The learned Counsel for the applicant submits that in the interest of justice, this court be pleased to stay the operation and implementation of award dated 7th July 2012 passed by the tribunal during the pendency of the first appeal. He submits that if the amount is allowed to be withdrawn nothing will survive in the first appeal.

4] On the other hand, learned Counsel for the claimants – respondents opposes the present application. He submits that the respondent claimants may be granted liberty to take out appropriate application for withdrawal of the amount.

5] Considering the submissions made by the applicants and the averments made in the civil application, I am satisfied that the applicant has made out a case for allowing the civil application.

(A) The operation and implementation of the impugned award dated 7th July 2012 passed by Motor Accidents Claim Tribunal

in Claim Application No.456 of 2006 is stayed till the hearing and final disposal of the first appeal.

(B) The Tribunal is directed to invest the entire amount in fixed deposits of any nationalised bank initially for one year and same be renewed till hearing and final disposal of the first appeal.

7] Liberty is granted to respondents- claimants to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits.

8] Registry is directed to transfer the sum of Rs.25,000/- with accrued interest, if any, to the MACT in the account of Application No.456 of 2006 immediately.

(K.K.TATED, J.)

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CORAM : K.K.TATED, J.

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1] Not on board. At the request of learned Advocate for the appellant taken on board.

2] This appeal is preferred by the insurance company, challenging the judgement and award dated 7th July 2012 passed by Motor Accidents Claim Tribunal in Claim Application No.456 of 2006 awarding compensation of Rs.3 lakhs with 7.5% interest.

A] Admit.

B] The appellant to file private paper book within one year from today, failing which the first appeal to stand dismissed without reference to court.

C] Printing and filing of roznama dispensed with.

D] Learned Counsel for respondent Nos. 1 to 4 waives service.

(K.K.TATED, J)