

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

CIVIL APPLICATION NO.1393 OF 2015
IN
FIRST APPEAL NO.416 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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Ms. Varsha K. Chavan for the Applicant

CORAM : K. K. TATED, J.

DATE : APRIL 7, 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 judgment and award dated 14/08/2014 passed by the MACT, Mangaon, Dist. Raigarh in MACP No.180/2010 holding that the Respondent-claimant is entitled to sum of Rs.23,66,000/- with 7.5 % p.a. from the date of filing of the petition till realisation of the amount in full.

3. The learned counsel for the Applicant submits that the Respondent-claimant filed Execution Application. She submits that in the Execution Application the Tribunal issued attachment order. Pursuant to the said order, a Bailiff visited their office on 06/04/2015. Hence, there is urgency.

4. The learned counsel for the Applicant submits that in the present proceedings, they are challenging the quantum of the compensation amount to the extent of Rs.3,60,000/-. She submits that the Applicant is ready and willing to deposit the entire decretal amount in the Tribunal within 6 weeks from today. Statement is accepted.

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

6. It is to be noted that the Applicant has filed the present appeal challenging the quantum of the compensation amount to the extent of

Rs.3,60,000/-. Hence, the Respondent-claimant is entitled to withdraw the remaining amount without furnishing any security. As per order passed by the Tribunal amount of Rs.10 lacs is directed to be invested in a fixed deposit scheme for a period of 5 years in the Union Bank, branch Mangaon.

6. Hence, the following order:

i) The operation and implementation of the impugned judgment and award dated 14/08/2014 passed by the MACT, Mangaon, Dist. Raigarh in MACP No.180/2010 holding that the Respondent-claimant is entitled to sum of Rs.23,66,000/- with 7.5 % p.a. is stayed on condition that the Applicant to deposit the entire decretal amount including interest and costs, if any, in the Tribunal within 6 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

ii) If the amount is not deposited within stipulated time as stated hereinabove, the Respondent-claimant is entitled to execute the impugned award as per law.

iii) If the amount is deposited within stipulated time as stated hereinabove, the Tribunal is directed to invest sum of Rs.13,60,000/- lacs in a fixed deposit account of any Nationalized Bank, initially for a period of 3 years and the same shall be renewed from time to time till further orders of this court.

iv) The Respondent-claimant is entitled to withdraw the remaining amount without any security.

v) Liberty granted to the claimants to prefer an appropriate Application for withdrawal of additional compensation amount, if they so desire, which will be decided on its own merits

vi) Civil application stands disposed off accordingly.

JUDGE