

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

CIVIL APPLICATION NO.2366/2015
IN
FIRST APPEAL (ST) NO.8197/2015

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 : 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 19/09/2014 passed by the MACT, Islampur in MACP No.75/2008 awarding sum of Rs.15,34,070/- with 6% pa interest by way of compensation.

3. The learned counsel for the Applicant submits that the Respondent-Claimant filed

Execution Application No.15/2015 for recovery of the entire award amount. She submits that if entire amount is recovered by the Respondent-Claimant, nothing will survive in the present proceedings.

4. The learned counsel for the Applicant makes a statement that in the present proceedings the Insurance Co. is not challenging the entire awarded amount by the Tribunal but to the extent of Rs.3,50,000/- with interest only. Statement is accepted.

5. The learned counsel for the Applicant submits that she received instructions from the Insurance Co. that they are ready and willing to deposit the entire award amount, along with cost, interest, if any, in the Tribunal within 6 weeks from today. Statement is accepted.

6. 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.

7. Considering the submissions made by the learned counsel for the Applicant and in view of

the fact that the Insurance Co. is not challenging the entire award amount in the present proceedings, I am of the opinion that the Respondent-Claimant are entitled to withdraw some amount without furnishing any security.

8. Hence, following order is passed:

a. The operation and implementation of the impugned award dated 19/09/2014 passed by the MACT, Islampur in Application No.75/2008 is stayed, till hearing and final disposal of the appeal, subject to the Applicant depositing the entire award amount in the Tribunal within 6 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 execute the award as per law.

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

- (i) Claimant No.1 Shantabai Ashok Bilaskar – Rs.3,00,000/-
- (ii) Claimant No.3 ms. Asmita Ashok Bilaskar Rs.1,00,000/-
- (iii) Claimant No.4 Smt. Parubai Ashok Bilaskar Rs.1,00,000/-

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, with interest, if any.

g. Civil Application stands disposed off accordingly.

JUDGE