

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

**CIVIL APPLICATION NO. 1974 OF 2015
IN
FIRST APPEAL (ST.) NO. 10169 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. S. M. Dange for the applicant.

**CORAM : K. K. TATED, J.
DATED : 08/06/2015.**

PC.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by insurance company for stay of operation and implementation of impugned Judgment and Award dated 05.09.2014 passed by the the Motor Accident Claims Tribunal, Thane in M.A.C.P No. 389 of 2008 holding that respondents claimants are entitled to sum of Rs.6,63,000/- with 7% interest per annum by way of compensation.

3 The learned Counsel for the applicant submits that the respondents claimants filed execution application no. 6 of 2015 for recovery of the entire awarded amount. He submits that if entire awarded amount is recovered by the respondents claimants in

execution application, then nothing will survive in the present proceeding. He submits that they have good chance of success in the present proceeding. He submits that the Tribunal has awarded compensation on higher side.

4 The learned Counsel for the applicant submits that he received instructions from the applicant to make a statement that they are ready and willing to deposit the entire awarded amount in the Tribunal within six weeks from today. Statement is accepted.

5 In the present proceeding, the accident occurred on 27.12.2007 in which the claimants lost their son. On the date of accident, the deceased was 19 years old and he was working with Ashwini Building Material Suppliers and getting salary of Rs.5000/- per month. Considering this fact and averments on record, the Tribunal awarded the sum of Rs.6,63,000/- by way of compensation with interest.

6 Considering the reasons given by the Tribunal, I am of the opinion that the respondents claimants are entitled to withdraw some amount without furnishing any security at present.

7 Hence, the following order.

a) The operation and implementation of Judgment and Award dated 05.09.2014 passed by the the Motor Accident Claims Tribunal, Thane in

M.A.C.P. No. 389 of 2008, is stayed on condition that applicant insurance company to deposit entire awarded amount with interest and costs, if any, in the Tribunal within six weeks from today, failing which civil application shall stand dismissed without referring back to the court .

b) If amount is not deposited within stipulated time as stated herein above, respondents claimants are entitled to proceed with execution application according to law.

c) If amount is deposited within stipulated time as stated herein above, the respondents claimants are entitled to withdraw sum of Rs.2,00,000/- each with accrued interest without furnishing any security.

d) The Tribunal is directed to invest the remaining amount in the fixed deposit of any nationalised bank for the period of one year and same to be continued till the hearing and final disposal of the First Appeal.

e) Liberty granted to the respondents claimants to prefer appropriate application, if they so desire, for withdrawal of the further amount and that application will be decided on its own merits.

f) Civil Application is disposed of accordingly.

(K.K.TATED, J.)