

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

**CIVIL APPLICATION NO. 2156 OF 2015
IN
FIRST APPEAL (ST.) NO. 10617 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. Kalpana Trivedi for the applicant.

**CORAM : K. K. TATED, J.
DATED : 25/06/2015.**

PC.:

. Heard learned Counsel for the applicant.

2 This application is preferred by insurance company for stay of operation and implementation of the Award dated 12.12.2014 passed by the Motor Accident Claims Tribunal, Thane in M.A.C.P. No. 347 of 2010 holding that respondent claimant is entitled to Rs.6,93,169/- with 7% interest per annum by way of compensation.

3 The learned Counsel for the applicant submits that the Trial Court in paragraph 16 of the impugned order held that claimant proved medical charges to the extent of Rs.4,39,156/- Out of this amount, the sum of Rs.1,41,462/- was reimbursed by Paramount Health Services. Inspite of that the Tribunal has awarded entire medical charges of Rs.4,39,156/-

which is contrary to the law. She submits that in the present proceeding, the applicants are challenging the sum of Rs. 1,41,462/- only. She further submits that she has received instructions from insurance company that they are ready and willing to deposit the entire awarded amount in the Tribunal within four weeks from today. Statement is accepted.

4 Considering the statement made by the learned Counsel for the applicant and as they want to restrict their claim to the extent of Rs.1,41,462/-, I am of the opinion that the respondent claimant is entitled to withdraw some amount without furnishing any security.

5 Hence, the following order.

a) The operation and implementation of the Judgment and Award dated 05.07.2013 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 1906 of 2003, is stayed on condition that the insurance company have to deposit the entire awarded amount along with interest and costs in the Tribunal within four 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, the respondent claimant is entitled to execute the award

according to law.

c) If amount is deposited within stipulated time as stated herein above, the respondent claimant is entitled to withdraw Rs.4,00,000/- with accrued interest, without furnishing any security but subject to the outcome of the First Appeal.

d) The Tribunal is directed to invest sum of Rs.1,41,462/- with interest in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

e) The Tribunal is further directed to invest the remaining amount in Fixed deposits of any Nationalised Bank, initially for the period of three years and same to be continued till hearing and final disposal of the First Appeal.

f) The respondent claimant is entitled to withdraw quarterly interest on fixed deposit of three years without furnishing any security.

g) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)