

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2000 OF 2015
IN
FIRST APPEAL (ST) NO.12917 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.Sandeep Sharad Jinsiwale for the applicant

CORAM : K.K.TATED, J.
DATED : 09/06/2015

PC:

1 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 the operation and implementation of the award dated 13.11.2014 passed by MACT, Pune in MACP No.160 of 2009 awarding sum of Rs.1,00,000/- with 7% interest p.a. towards the damages to the vehicle.

3 The learned counsel for the applicant submits that the Tribunal has erred in coming to the conclusion that the Insurance Company is liable to pay compensation to the respondents claimants.

He further submits that in any case, Tribunal has awarded compensation on the higher side. He submits that they have good chance of success in the present proceeding. He submits that if entire amount is recovered by the respondents claimants in Execution Application, nothing will survive in the present proceeding.

4 The learned counsel for the applicant submits that he received instruction from the Insurance Company that they are ready and willing to deposit entire awarded amount with interest and cost if any, in the Tribunal within four weeks from today.

5 Statement is accepted.

6 In the present proceeding, respondent claimant filed application for compensation on account of damage to the Maruti Van bearing No.MH 12 BG 2803. It is not disputed that the accident took place on 14.12.2012 in which Maruti Vehicle damaged. Considering the reason given by the Tribunal, I am of the opinion that the respondent claimant is entitled to withdraw some amount without furnishing any security. Hence, following order:

(a) Operation and implementation of the judgment and award dated 13.11.2014 passed by MACT, Pune in MACP No.160 of 2009 is stayed on

the condition that applicant Insurance Company to deposit entire decretal amount along with interest and cost 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 hereinabove, respondents claimants are entitled to execute the award according to law.

(c) If amount is deposited within stipulated time as stated hereinabove, respondent claimant, Malan Rambhaji Shinde is entitled to withdraw sum of Rs.30,000/- with accrued interest without furnishing any security.

(d) Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same 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 additional amount and that application be decided on its own merits.

(f) Civil Application is disposed of accordingly.

(K.K.TATED, J.)