

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

**CIVIL APPLICATION NO. 2453 OF 2013
IN
FIRST APPEAL (ST.) NO. 14716 OF 2013**

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 Chavan for the applicant.

Mr. Sachin Punde for the respondent nos. 1 to 4.

CORAM : K. K. TATED, J.

DATED : 08/04/2015.

PC.:

. Heard learned Counsel for the parties.

2 Though, the respondent nos. 5 & 6 are duly served, no one appeared on behalf of them when the matter called out.

3 This application is preferred by insurance company for stay of operation and implementation of Judgment and Award dated 13.07.2012 passed by the the Motor Accident Claims Tribunal, Pune in M.A.C.P. No. 1179 of 2009 holding that respondents claimants are entitled to sum of Rs.9,23,297/- with 7.5% interest by way of compensation.

4 The learned Counsel for the applicant submits that they already deposited entire awarded amount in the Tribunal. Statement is accepted.

5 The learned Counsel for the applicant submits that the Tribunal erred in coming to the conclusion that the deceased was earning Rs.7,000/- per month. She further submits that even the Tribunal has taken into account the multiplier of 14, which is on higher side. She further submits that they have good chance of success in the present matter. She submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of Award dated 13.07.2012 passed by the Motor Accident Claims Tribunal, Pune.

6 On the other hand, the learned Counsel for the respondents claimants vehemently opposed the present Civil Application. He submits that claimants have preferred Civil Application no. 337 of 2015 for withdrawal of amount.

7 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

8 The application preferred by respondents claimants being Civil Application no. 337 of 2015 for withdrawal of amount will be decided on its own merits.

9 Hence, the following order.

a) The operation and implementation of impugned Award dated 13.07.2012 passed by the Motor Accident Claims Tribunal, Pune in M.A.C.P no. 1179 of 2009, is stayed till the hearing and final disposal of First Appeal.

b) Civil Application no. 337 of 2015 preferred by claimants will be decided on its own merits.

c) The Tribunal is directed to invest the amount 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

d) The Registry of this Court is directed to transfer the amount of Rs.25,000/-with interest if any which was deposited by the applicant at the time of filing of First Appeal, to the Tribunal in the account of M.A.C.P No. 1179 of 2009.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)