

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

**CIVIL APPLICATION NO.1069 OF 2014
IN
FIRST APPEAL (ST). NO.15862 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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Mrs.Urmila K. Sanil for the applicant

**CORAM : K.K.TATED, J.
DATED : 7TH JANUARY, 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 original opponent no.2 Insurance Company for stay of the operation and implementation of the judgment and award dated 15th January, 2013 passed by MACT, Nasik in MACP No.674 of 2007 by which the Tribunal held that the applicant is liable to pay compensation of Rs.3,75,000/- along with interest @ Rs.7.5% p.a. to the respondents original claimants.

3 The learned counsel for the applicant submits that the respondents original claimants

filed Execution Application. Hence, there is urgency in the matter.

4 The learned counsel for the applicant further makes a statement that applicant Insurance Company is ready and willing to deposit entire decretal amount along with interest and cost in the Tribunal within six weeks from today. Statement is accepted.

5 In the present proceeding, the respondent no.1 lost her husband and respondent no.2 and 3, their father. On the date of accident, the deceased was 40 years.

6 Considering the dependency, the Tribunal has held that the respondent org.claimant is entitled compensation of Rs.3,75,000/- along with interest. As this order is passed without issuing notice to the respondents, respondents are permitted to file appropriate application for withdrawal of further amount, if they so desire.

7 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

a) Operation and implementation of the impugned award dated 15th January, 2013 passed by MACT, Nasik in MACP No.674 of 2007 is stayed on the condition that the applicant to deposit entire decretal amount including interest and cost if any, before the Tribunal within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

b) If amount is deposited within stipulated time as stated hereinabove, respondent nos.1 to 3 i.e. original claimants are entitled to withdraw sum of Rs.50,000/- each by giving an undertaking that in case this court calls upon them to refund the same, they will do so within stipulated time.

c) Liberty granted to the respondents original claimants to take out appropriate application if they so desire for withdrawal of the remaining amount and that application be decided on its own merits.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)