

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

CIVIL APPLICATION NO.2310/2015
IN
FIRST APPEAL (ST) NO.16298/2013

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
None for the Respondent.

CORAM : K. K. TATED, J.
DATE : JULY 10, 2015

P.C.:

1. Heard. Mentioned. Not on board. At the request of the learned counsel for the Applicant taken on board for urgent orders.

2. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned award dated 29/03/2012 passed by the MACT, Niphad in MACP No.125/2008 awarding sum of Rs.2,90,000/- with 7.5% pa interest by way of compensation.

3. The learned counsel for the Applicant submits that they have already deposited the entire awarded amount in the Tribunal. Statement is accepted.

4. The learned counsel for the Applicant submits that the Respondent-Claimant filed Execution Application in which an attachment order is already issued. She submits that if entire awarded amount is withdrawn by the Respondent-Claimant in the Execution Application, nothing will survive in the present proceedings.

5. The learned counsel for the Applicant submits that in the present proceedings, the Tribunal has awarded compensation at higher side. She submits that the Applicant has good chance of success in the matter. In the interest of justice, this Hon'ble Court be pleased to stay the impugned award till hearing and final disposal of the First Appeal. She further submits that an amount of Rs.25000/- deposited towards statutory deposit by them at the time of filing the present appeal be transferred to the Tribunal.

6. In the present proceedings, in an accident which occurred on 09/04/2008 the claimant No.1 lost her husband who was of 53 years. The net income of the deceased from farming was Rs.60,000/- pa. Considering the fact that the claimant No.1 lost her husband and she has no source of income and since there is delay on the

part of the Insurance Co. to file the present appeal, the Respondent-Claimant is entitled to withdraw some amount without furnishing any security, subject to outcome of the First Appeal.

7. Hence, the following order:

a. The operation and implementation of the impugned award dated 29/03/2012 passed by the MACT, Niphad in MACP No.125/2008 is stayed till further orders.

b. Both the Respondent-Claimants are entitled to withdraw 25% each of the awarded amount with accrued interest without furnishing any security, subject to outcome of the First Appeal.

c. The Tribunal is directed to invest the remaining amount in fixed deposit account of any Nationalized Bank, initially for a period of 1 years, which shall be renewed from time to time, till hearing and final disposal of the present appeal.

d. The Respondent-Claimants are entitled to file an appropriate Application for withdrawal of the remaining amount, if they so desire, which will be decided on merits.

e. Amount of Rs.25000/- deposited towards statutory deposit by the Appellant at the time of filing the present appeal shall be transferred to the Tribunal, with accrued interest if any.

f. Civil Application stands disposed of accordingly.

JUDGE