

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

**CIVIL APPLICATION NO. 4129 OF 2014
IN
FIRST APPEAL NO. 1429 OF 2014**

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. Veena Shekhar i/b S.S. Vidyarthi for the applicant.

Mr. Pravin Gole i/b S.S. Deshmukh for the respondent nos. 1 and 2.

CORAM : K. K. TATED, J.

DATED : 08/07/2015.

PC.:

1. Heard learned Counsel for the parties.

2. This application is preferred by insurance company for stay of operation and implementation of the Award dated 06.12.2013 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 469 of 2006 holding that respondents-claimants are entitled sum of Rs.5,51,000/ with 7.5% interest per annum by way of compensation.

3. The learned Counsel for the applicant makes a statement that they have already deposited entire awarded amount with interest before the Tribunal. The statement is accepted.

4. The learned Counsel for the applicant further submits that in the interest of justice, this Hon'ble

Court be pleased to stay the operation and implementation of the impugned Award dated 06.12.2013 till hearing and final disposal of the First Appeal. She submits that if entire amount is withdrawn by the respondents-claimants, nothing will survive in the present Civil Application.

5 On the other hand, the learned Counsel for the respondents-claimants vehemently opposed the present Civil Application. He submits that claimants may be permitted to withdraw the amount during pendency of the present First Appeal.

6 I heard both the sides at length. It is to be noted that in the present proceeding claimant no.1 lost her son in accident which occurred on 04.01.2006. On the date of accident, the deceased was 22 years old and earning Rs.6000/- per month. Considering these facts, the Trial Court held that claimants are entitled to sum of Rs.5,51,000/- with 7.5% interest by way of compensation.

7 In view of these facts, I am of the opinion that claimant no.1 Peerbanu Hakimuddin Khan is entitled to withdraw 25% with accrued interest without furnishing any security.

8 Hence, the following order.

a) The operation and implementation of impugned Award dated 06.12.2013 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 469 of 2006, is stayed till the

hearing and final disposal of the First Appeal.

b) Claimant no.1 Peerbanu Hakimuddin Khan is entitled to withdraw 25% amount with accrued interest without furnishing any security but subject to the outcome of the First Appeal.

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

d) The Tribunal is directed to invest the remaining 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.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)