

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

**CIVIL APPLICATION NO.3688 OF 2014
IN
FIRST APPEAL NO.1274 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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Mr. D.S.Joshi for the applicant

**CORAM : K.K.TATED, J.
DATED : 14th JANUARY, 2015**

PC:

Heard Mr. Joshi learned counsel for the applicant.

2 This application is preferred by the insurance company for stay of operation and implementation of the impugned judgment and award dated 16.1.2014 passed by the Motor Accident Claims Tribunal, Bombay in Claim Application No.716 of 2006. Learned counsel for the applicant submits that they have already deposited entire decretal amount in the tribunal. Statement is accepted.

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

4 It is to be noted that in the present proceedings respondents- original claimant sustained injury as well as damages to his Toyota car. Considering the submissions, tribunal awarded Rs.1.50 lakhs towards personal injury and compensation of Rs.6 lakhs towards damages to the car. Considering these facts, I am of the opinion that respondent-original claimant is entitled to withdraw sum of Rs.3 lakhs without furnishing securities.

5 Liberty is granted to the respondent-original claimant to prefer appropriate application for withdrawal of the remaining amount and that application be decided on its own merits.

6 Civil application is allowed in terms of prayer clause (a), which reads thus:

(a) “(a) Pending the hearing and final disposal of the appeal, this Honourable Court,

by an order of stay, may kindly stay the operation, implementation and execution of the part of impugned judgment and award dated 16/1/2014 passed by the Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No.716 of 2006.”

(b) Respondent No.1/Original Claimant-Chandrakant K. Shetty is entitled to withdraw Rs.3 lakhs without furnishing securities.

(c) Liberty is granted to the respondent no.1-original claimant to prefer appropriate application for withdrawal of the further amount if he desires so and that application will be decided on its own merits.

(d) Tribunal is directed to invest remaining amount in fixed deposit of any nationalized bank initially for a period of 3 years and same to be continued till final hearing and disposal of the first appeal.

(e) Civil application, accordingly, stands disposed of.

(K.K.TATED, J.)