

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

**CIVIL APPLICATION NO. 3068 OF 2014
IN
FIRST APPEAL (ST) NO. 17591 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. S.R. Singh i/b D.R. Mahadik for the applicant.
Mr. Mahesh Rawool i/b K.P. Shah for the respondent.

**CORAM : K. K. TATED, J.
DATED : 05/02/2015.**

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by insurance company for stay of operation and implementation of the judgment and award dated 18.10.2013 passed by M.A.C.T., Kalyan in M.A.C.P No. 31 of 2009.

3 The learned Counsel for the applicant submits that pursuant to the order dated 09.09.2014 passed by this Court, they already deposited entire decretal amount in the Tribunal. He further submits that at the time of filing of First Appeal, they deposited sum of Rs.25,000/- in the Registry of this Court. That amount be transferred to the Tribunal with accrued

interest, if any.

4 The learned Counsel for the applicant submits that they have no objections if the respondent claimants allowed to withdraw sum of Rs.10,00,000/- with accrued interest without furnishing any security because in the First Appeal they are challenging the quantum of the compensation to the extent of Rs.8,75,000/-

5 The learned Counsel for the respondent claimant submits that they also preferred Civil Application for withdrawal of amount. That application will be decided on its own merits.

6 Considering the submissions made by the learned Counsel for the applicant and averments made in Civil Application, I am satisfied that applicant has made out case for allowing the Civil Application.

7 Hence the following order.

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

“a) That pending the hearing and final disposal of the appeal, the operation of the Judgment and Order dated 18.10.2013 passed by Hon'ble A. Z. Telgote, Member, the Motor Accident Claims Tribunal, Kalyan in M.A.C.T. Application no.31 of 2009, be stayed.”

ii) The Registry is directed to transfer the sum of Rs.25,000/- deposited by the applicant in this Court at the time of filing of present First Appeal with accrued interest, if any, to the Tribunal immediately.

iii) The respondent claimant Shri. Suhas Harishchandra Talekar is entitled to withdraw sum of Rs.10,00,000/- with accrued interest without furnishing any security.

iv) The Civil Application preferred by respondent claimant for withdrawal of remaining amount will be decided on its own merits.

v) 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.

8 Civil Application is disposed of accordingly.

(K.K.TATED, J.)