

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

CIVIL APPLICATION NO.2464/2015
IN
FIRST APPEAL (ST) NO.17725/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Rahul Mehta i/b. KMC Legal for the Applicant.
Mr. S. S. Chaudhari i/b. K. V. Nikam for Respondent
Nos.1 to 6.

CORAM : K. K. TATED, J.
DATE : AUGUST 5, 2015

P.C.:

1. Not on board. Taken on board.
2. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned award dated 07/02/2015 passed by the MACT, Sangli in MACP No.81/2011.
3. The learned counsel for the Applicant submits that the Tribunal has not considered the contributory negligence and invalid license held by the offending vehicle at the time of awarding compensation. The learned counsel for the Applicant submits that the Tribunal has awarded

compensation on higher side. The learned counsel for the Applicant submits that the Respondent-Claimant filed Execution Application for recovery of the entire awarded amount. The learned counsel for the Applicant submits that he received instructions from the Insurance Co. that they are ready and willing to deposit the entire award amount, along with cost, interest, if any, in the Tribunal within 4 weeks from today. Statement is accepted.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

a) The operation and implementation of the impugned award dated 07/02/2015 passed by the MACT, Sangli in MACP No.81/2011 is stayed subject to the Applicant depositing the entire award amount including interest, cost, if any, in the Tribunal within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b) If amount is not deposited within stipulated time as stated hereinabove the Respondent-Claimants are entitled to proceed with Execution Application as per law.

c) If amount is deposited within stipulated time as stated herein above, liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the award amount, if they so desire, which will be decided on its own merits.

d) The Tribunal is directed to invest the entire amount in a fixed deposit account of any Nationalized bank, initially for a period of one and half year which will be renewed till hearing and final disposal of the appeal.

e) Civil Application stands disposed off accordingly.

JUDGE