

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

**CIVIL APPLICATION NO.2362 OF 2014
IN
FIRST APPEAL (ST). NO.18167 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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None for the applicant

Mr.M.S.Kadu for the respondent

**CORAM : K.K.TATED, J.
DATED : 06/02/2015**

PC:

- 1 None for the applicant.
- 2 This application is preferred by original respondent for stay of the operation and implementation of the impugned judgment and award dated 14.02.2014 passed by MACT, Mangaon at Raigad in MACP No.31 of 2012 holding that the respondents claimants are entitled compensation of Rs.48,15,000/- with 7.5% interest.
- 3 The learned counsel for the respondents claimants submits that the applicant as per order dated 15.07.2014 deposited entire decretal amount in the Tribunal. Statement is accepted.

He further submits that the respondents claimants preferred Civil Application (ST) No.34183 of 2014 for withdrawal of the amount.

4 Considering the averments made in Civil Application and as entire amount is deposited by the applicant, I am of the opinion that Civil Application is required to be allowed in terms of prayer clause (a).

5 In the present proceeding, respondent no.1 claimant no.1 Shahina Munir Khan lost her husband in the accident which occurred on 21.1.2012. On the date of accident, the deceased Munir Amir Khan was 28 years old. He was working as Electrical Supervisor in Dong Yang Construction India Pvt.Ltd. at Vile Bhagad and prior to that he had served at various places in Saudi Arabia. The deceased was getting Rs.20,000/- per month as salary. The respondents claimants preferred Claim Petition under section 166 of the Motor Vehicles Act claiming compensation of Rs.40.0 lacs. Claimant no.2, Rimas Munir Khan is a minor and Claimant nos.3 and 4, Amir Abdul Rahman Khan and Rabia Amir Khan are parents of deceased. Considering these facts, I am of the opinion that respondents claimants at present are entitled to withdraw some amount without furnishing any

security.

6 Liberty granted to the respondents claimants to move their application for withdrawal of the further amount and that application be decided on its own merits.

7 Hence, following order:

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

“(a) That pending admission and disposal of the above appeal against the Judgment and Award passed by the Motor Accident Claims Tribunal, at Mangaon, District Raigad in Motor Accident Claim Petition No.31 of 2012 dated 14-2-2014 be stayed.”

B) Respondent no.1 claimant no.1 Shahina Munir Khan is entitled to withdraw sum of Rs.5.0 lacs with accrued interest without furnishing any security.

C) Respondent nos.3 and 4 original claimant nos.3 and 4 Amir Abdul Rahman Khan and Rabia Amir Khan are entitled to withdraw sum of Rs.2.0 lacs each with accrued interest without furnishing any security.

D) Tribunal is directed to invest remaining

amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.

E) Liberty granted to the respondents claimants to move their application for withdrawal of further amount if they so desire and that application will be decided on its own merits.

F) Civil Application is disposed of accordingly.

(K.K.TATED, J.)