

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 955 OF 2015
WITH
CIVIL APPLICATION NO. 2835 OF 2015 IN F.A. NO. 955 OF 2015

Santikishor Balak Krushna Mantri ... Appellant/Applicant

vs.

Tukaram Kedari Shewale & Anr. ... Respondents

Mr. R.S. Jadhav, Advocate for the appellant/applicant.

Mr. Yuvraj P. Narvankar, Advocate for the respondents.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE : 4th September, 2015

P.C.:

The Civil Application is moved for stay of the operation and execution of judgment and award dated 15th July, 2014 passed by the Motor Accident Claims Tribunal, Ichalkaranji in M.A.C.P. No. 36 of 2010.

2. The learned counsel for the applicant/appellant submitted that applicant is a private person. He has good case on merit. The total amount of Rs.70,000/- has been spent by the applicant towards NFL and medical expenses of the deceased, therefore, he be exempted from depositing any other amount and the operation and execution of judgment and award be stayed.

3. The learned counsel for respondents, i.e. parents of deceased, submitted that the judgment and award of total amount of Rs.2,59,000/- with 6% interest is passed. The parents are old and dependent on the

deceased. He submitted that the entire amount is to be deposited. The learned counsel opposed the Civil Application.

4. Admittedly, Rs.70,000/- which includes 50% NFL and Rs.20,000/- towards medical expenses of the deceased were paid by the applicant. The applicant/appellant is a private person. The total award is Rs.2,59,000/- including Rs.70,000/-, the Court has ordered the appellant to pay compensation of Rs.1,89,500/- with simple interest of 6% p.a. Considering the facts and circumstances, the appellant is directed to deposit Rs.50,000/- before the MACT, Ichalkaranji within 3 weeks. On this condition, the operation and execution of the impugned judgment and award is stayed pending final hearing of the Appeal.

5. The respondents/original claimants are allowed to withdraw an amount of Rs.50,000/- subject to the outcome of Appeal on undertaking to the satisfaction of the Tribunal, Ichalkaranji. The statutory amount of Rs.25,000/- deposited in this Court is to be transferred to MACT, Ichalkaranji and the same may be invested in the fixed deposit in any nationalized bank.

6. Civil Application is disposed of accordingly.

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Admit.

(MRS.MRIDULA BHATKAR, J.)