

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

**CIVIL APPLICATION NO. 4331 OF 2014
IN
FIRST APPEAL (ST.) NO. 21636 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.R. Mahadik for the applicant.

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

P.C.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by Insurance Company for stay of operation and implementation of Judgment and Award dated 14.03.2014 passed by the the Ex-Officio Member, Motor Accident Claims Tribunal, Alibag in M.A.C.P. No. 418 of 2007 holding that respondents claimants are entitled for compensation of Rs.13,52,416/- with 6% interest.

3 The learned Counsel for the applicant further submits pursuant to the order dated 22.12.2014

passed by this court, they already deposited the entire decretal amount before the Tribunal. Statement is accepted.

4 Considering the submissions that the interim protection was granted till today only. Hence, he has mentioned the matter.

5 Considering the submissions made by the learned Counsel for the applicant, averments made in Civil Application and as entire amount is deposited by the applicant before the Tribunal, I am satisfied that applicant has made out case for allowing Civil Application.

6 As the Civil Application is allowed without issuing notice to the respondents claimants, liberty granted to them to take out appropriate application if they so desire for withdrawal of amount and that application will be decided on its own merits.

7 The learned Counsel for the applicant submits that insurance company admitting their liability to the extent of Rs.5, 39, 255/-.

8 Considering this fact, the respondents claimants are entitled to withdraw sum of

Rs.5,39,255/- with interest without furnishing any security.

9 Hence, the following order.

a) 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 14.03.2014 passed by Hon'ble H.A.Patil, Ex-Officio Member, the Motor Accident Claims Tribunal, Raigad-Alibag in M.A.C.T. Application no. 418 of 2007, be stayed.”

b) Respondents claimants are entitled to withdraw sum of Rs. 5,39,255/- with interest without furnishing any security.

c) Liberty granted to the respondents claimants to preferred appropriate application for withdrawal of the further amount, if they so desire, and that application will be decided on its own merits.

d) 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.

e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)