

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

**CIVIL APPLICATION NO. 3848 OF 2014
IN
FIRST APPEAL NO. 1322 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. Nikhil Pujari i/b P. N. Joshi for the applicant.
None for the respondents.

**CORAM : K. K. TATED, J.
DATED : 26/03/2015.**

PC.:

. Heard learned Counsel for the applicant, none for the respondents.

2 This application is preferred by the owner and driver of the offending vehicle challenging judgment and award dated 08.07.2014 passed by the M.A.C.T. Niphad in M.A.C.P No. 41 of 2011 holding that applicants are liable to pay sum of Rs.4,00,000/- with 6% interest by way of compensation to the respondents claimants.

3 The ld. Counsel for the applicant submits that till today he has not received any instructions from his client that how much amount they are ready and willing to deposit and how much time to do so. Hence, he requires some time.

4 Same request is rejected.

5 In the present proceeding, the accident occurred on 06.01.2011 in which Atmaram died, that time, he was 33 years old. Therefore, the respondents claimants filed application under Section 163A of M.V. Act for compensation of Rs.4,00,000/-

6 Considering the evidence on record, the Tribunal has allowed application filed by the respondents claimants.

7 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. At the same time, they have to deposit entire decretal amount in the Tribunal.

8 Hence, the following order.

a) The operation and implementation of impugned judgment and award dated 08.07.2014 passed by the M.A.C.T., Niphad in M.A.C.P. No. 41 of 2011, is stayed on condition that applicant to deposit the entire decretal amount including interest and costs in the Tribunal within four weeks from today, failing which civil application shall stand dismissed without referring back to the court.

b) If amount is not deposited within stipulated time as stated herein above, the

respondents claimants are entitled to execute the award according to law.

c) If amount is deposited within stipulated time as stated herein above, the claimant no.1 Sampat Bhagwat and claimant no.3 Smt. Sarala Atmaram Bhagwat are entitled to withdraw sum of Rs.50,000/- and Rs.1,00,000/- respectively with accrued interest without furnishing any security.

d) Tribunal is directed to invest the remaining amount in fixed deposit of any nationalized bank, initially for the period of one year and same to be continued till the hearing and final disposal of the first appeal.

e) The claimant no.3 Smt. Sarala Atmaram Bhagwat is entitled to withdraw quarterly interest on the said fixed deposits without furnishing any security for and on behalf of claimant nos. 4, 5 & 6.

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

g) Civil Application is disposed of accordingly.

(K.K.TATED, J.)