

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

**CIVIL APPLICATION NO. 1391 OF 2014
IN
FIRST APPEAL (ST) NO. 26231 OF 2013**

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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Ms. Poonam Mittal for the applicant.

**CORAM : K. K. TATED, J.
DATED : 03/07/2015.**

PC.:

. Heard learned Counsel for the applicant.

2 This Application is preferred by the Insurance Co. for stay of operation and implementation of award dated 20.12.2012 passed by M.A.C.T., Mangaon Dist. Raigad in M.A.C.P. No. 1116 of 2008 awarding sum of Rs.2,59,500/- with 7.5 % interest by way of compensation to the respondents claimants.

2 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application. At the same time applicant to deposit entire awarded amount in the Tribunal within four weeks from today.

3 In the present proceeding, the accident occurred on 04.05.2007. The son of claimant Kum. Ankesh Ashok Shinde expired.

4 Considering this fact, I am of the opinion that both the claimants are entitled to withdraw 15% amount with accrued interest without furnishing any security.

5 Hence, the following order.

a) The operation and implementation of Award dated 20.12.2012 passed by M.A.C.T., Mangaon Dist. Raigad in M.A.C.P. No. 1116 of 2008, is stayed on condition that applicant to deposit entire awarded amount with the accrued interest 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 Claimant nos. 1 Shri. Ashok Mahadeo Shinde and claimant no.2 Smt. Asha Ashok Shinde both of them are entitled to withdraw 15% each awarded amount with accrued interest without furnishing any security but subject to the outcome of the First Appeal.

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

e) The 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 further orders.

f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)