

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

**CIVIL APPLICATION NO.1464 OF 2015**

**IN**

**FIRST APPEAL (ST) NO.29084 OF 2014**

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| 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.Devendranath S. Joshi for the applicant

**CORAM : K.K.TATED, J.**

**DATED : 16/04/2015**

**PC:**

- 1 Heard the learned counsel for the applicant.
- 2 This application is preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 17.8.2013 passed by MACT, Mumbai in Claim Application No.5 of 2010 by which the Tribunal held that the respondents claimants is entitled sum of Rs.3.0 lacs with 7.5% interest by way of compensation.
- 3 The learned counsel for the applicant submits that the respondent claimant filed Execution Notice No.11 of 2015 for recovery of the awarded amount. He submits that if entire amount is recovered by the respondents claimants in

Execution Notice, nothing will survive in the present proceeding.

4 The learned counsel for the applicant submits that the Tribunal erred in coming to the conclusion that the Insurance Company is liable to pay compensation to the respondents claimants. he further submits that he received instructions from the Insurance Company that they are ready and willing to deposit entire decretal amount in the Tribunal within four weeks from today.

5 Statement is accepted.

6 As this order is passed without issuing notice to the claimant, liberty granted to them to prefer appropriate application for withdrawal of the amount and that application be decided on its own merits.

7 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application, the impugned judgment and award dated 17.8.2013 and as the respondents claimants filed Execution Notice No.11 of 2015, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

(a) Operation and implementation of the impugned judgment and award dated 17.8.2013

passed by MACT, Mumbai in Claim Application No.5 of 2010 is stayed on the condition that applicant to deposit entire awarded amount with interest and cost 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 hereinabove, respondents claimants are entitled to execute the award according to law.

(c) If amount is deposited within stipulated time as stated hereinabove, claimant no.1, Akhtari Begum Akil Ahmed Qureshi is entitled to withdraw sum of Rs.1,00,000/- with accrued interest without furnishing any security.

(d) Liberty granted to the respondent claimant no.1 to prefer appropriate application if she so desires for withdrawal of further amount and that application be decided on its own merits.

(e) Rest of the amount be invested by the Tribunal 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.

(f) Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**