

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

CIVIL APPLICATION No. 4260 OF 2012
IN
FIRST APPEAL NO.4 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 Mehta i/b. KMC Legal for the Applicant
Mr. Abay Kumar Apte for the Respondent Nos.1 and 2.

CORAM : K. K. TATED, J.
DATE : APRIL 29, 2015

P.C.:

1. Heard the learned counsel for the parties. This Application is filed by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 30/04/2012 passed by the MACT, Pune in MACP No.145/2008.
2. The learned counsel for the Applicant submits that they already deposited the entire decretal amount in the Tribunal. Statement is accepted.
3. The learned counsel for the Applicant submits that in the present proceedings, the Applicant No.1 lost her husband in an accident.

The claimant filed Application under section 166 of the Motor Vehicles Act claiming compensation of Rs.15 lacs. On the basis of the evidence on record, the Tribunal awarded sum of Rs.5,98,500/- by way of compensation.

4. Considering the submissions made by the learned counsel for the Applicant and the above mentioned facts and circumstances of the present case, I am of the opinion that at present Respondent-Claimants are entitled to withdraw some amount without furnishing any security. At this order is passed without issuing any notice to the Respondent, liberty granted to them to file an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits.

5. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 30/04/2012 passed by the MACT, Pune in MACP No.145/2008. is stayed till hearing and final disposal of the First Appeal.

b. The Respondent-Claimant Nos.(1) Harshada Amol Pardeshi, (3) Sou. Meena Laxman Singh

Pardeshi and (4) Shri Laxman Singh Chhagan Singh Pardeshi are entitled to withdraw 10% each without furnishing any security, subject to outcome of the appeal.

c. Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the remaining amount, if they so desire, which will be decided on its own merits.

d. The amount of Rs.25000/- deposited by the Applicant in this court be transferred to the Tribunal.

e. Civil Application stands disposed off accordingly.

JUDGE