

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

CIVIL APPLICATION No. 4243 OF 2012
IN
FIRST APPEAL NO.21 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 05/05/2012 passed by the MACT, Pune in MACP No.353/2008.

2. The learned counsel for the Applicant submits that they already deposited the entire decretal amount in the Tribunal along with interest. Statement is accepted. He submits that if entire amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings. Hence, during pendency of the First Appeal, the operation and implementation of the impugned judgment and award be stayed.

3. In the present proceedings, in an accident which occurred on 24/11/2007, the Respondent-Claimant sustained injuries. Hence, he filed Application under section 166 of the Motor Vehicles Act for compensation of Rs.2,50,000/-. Considering the evidence on record, the Tribunal awarded sum of Rs.75265/- with 9% p.a. interest as compensation for physical injury. The Tribunal awarded Rs.64265/- towards medical expenses and remaining amount towards compensation of three months during the period which the Applicant was indoor patient till recovery and for his nutritious food, travelling expenses etc.

4. Considering the submissions made by the learned counsel for the Applicant and the fact that the Tribunal has granted Rs.64265/- towards medical expenses, I am of the opinion that at present the Respondent-Claimant is entitled to withdraw 60% of the awarded amount without furnishing any security, subject to out come of the appeal.

5. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 05/05/2012

passed by the MACT, Pune in MACP No.353/2008. is stayed till hearing and final disposal of the First Appeal.

b. The Respondent-Claimant is entitled to withdraw 60% of the awarded amount without furnishing any security, subject to out come of the First Appeal.

c. The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till hearing and final disposal of the appeal.

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