

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

**CIVIL APPLICATION NO.409 OF 2014
IN
FIRST APPEAL NO.156 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.Atul B. Gatne for the applicant

Mr.PG.Sarda for the respondent nos.1 to 3

CORAM : K.K.TATED, J.

DATED : 16/04/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 Though respondent no.4 is duly served, no one appeared on behalf of him when the matter was called out.
- 3 This application is preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 2.9.2013 passed by MACT, Pune in MACP No.634 of 2012.
- 4 The learned counsel for the applicant submits that as per earlier order passed by this court on 10.2.2014 they deposited entire decretal amount in the Tribunal.

5 Statement is accepted.

6 The learned counsel for the applicant submits that in the present proceeding, the Tribunal by impugned judgment and award dated 2.9.2013 held that the respondents claimants are entitled sum of Rs.10,93,000/- with 9% interest by way of compensation. He submits that in the present proceeding, applicant is not challenging the quantum of compensation to the extent of Rs.5,60,000/-.

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

8 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order:

(i) Civil Application is allowed in terms of prayer clause (b) which reads thus:

“(b) Your Lordship be pleased to stay the execution, operation and implementation of the impugned Judgment and order/Award dt.2/9/2013, passed by the Member, M.A.C.T.Pune, Dist: Pune in M.A.C.P No.634 of 2012, till the final hearing and disposal of the

First Appeal, as against the Applicant.”

(ii) Respondents claimants are entitled to withdraw amount of Rs.5,60,000/- with accrued interest without furnishing any security as under:

(a) Gangaram Muktaji Devkar, Claimant no.1 is entitled to withdraw 40%.

(b) Pankaj Gangaram Devkar, Claimant no.2 is entitled to withdraw 30%

(c) Akshay Gangaram Devkar, Claimant no.3 is entitled to withdraw 30%

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

(iv) Tribunal is directed to invest remaining amount in Fixed Deposit of any nationalised bank initially for a period of one year and same be continued till further orders.

(v) Civil Application is disposed of accordingly.

(K.K.TATED, J.)