

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1183/2015
IN
FIRST APPEAL (ST) NO. 14254/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms. Poonam Patil for the Applicant

CORAM : K. K. TATED, J.
DATE : JANUARY 7, 2016

P.C.:

1. Heard. This Application is made by the Insurance Co. for stay of the operation and implementation of the impugned award dated 16/07/2013 passed by the MACT, Thane below Exhibit 5 in MACP No.505/2012 directing the Applicant to pay NFL of Rs.25000/- to the Respondent-Claimant along with 7% p.a. interest.

2. The learned counsel for the Applicant submits that the Tribunal erred in coming to the conclusion that the Insurance Co. is liable to pay compensation to the Respondent-Claimant. She submits that the Applicant has good chance of success in the matter. She submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the

impugned judgment and award passed by the Tribunal. If stay is not granted irreparable loss and injury will be caused to the Applicant.

3. The learned counsel for the Applicant submits that she received instructions from the Insurance Co. that they are ready and willing to deposit the entire awarded amount with interest in the Tribunal within 3 weeks from today.

4. Considering the fact that the Tribunal, by impugned award directed the Insurance Co. to pay Rs.25000/- to the claimant towards NFL u/s. 140 of the Motor Vehicles Act, 1988, I am of the opinion that the Respondent-Claimant is entitled to withdraw 50% amount with accrued interest without furnishing any security, subject to outcome of the First Appeal.

5. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 16/07/2013 passed by the MACT, Thane below Exhibit 5 in MACP No.505/2012 is stayed, till hearing and final disposal of the appeal on condition that the Applicant Insurance Company to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within 3 weeks from today, failing which

the Civil Application shall stand dismissed without further reference to the court.

b. If the entire awarded amount is not deposited within stipulated time as stated hereinabove, the Respondent-claimants are entitled to execute the award as per law.

c. If the entire awarded amount is deposited within stipulated time as stated hereinabove, the Respondent-claimant Mrs. Manjula Rajesh Gowda is entitled to withdraw 50% of the awarded amount without furnishing any security subject to outcome of the appeal.

d. The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

e. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits

f. The statutory deposit, if any, made by the Applicant at the time of filing the First Appeal be

transferred to the Tribunal.

g. Civil application stands disposed off accordingly.

JUDGE