

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

CIVIL APPLICATION NO.1181/2015
IN
FIRST APPEAL (ST) NO. 14266/2014

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. D. S. Joshi for the Applicant

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

P.C.:

1. Heard. This Application is made by Insurance Co. for stay of the operation and implementation of the impugned award dated 26/06/2013 passed by the MACT, Mumbai in Application No.2327/2007 holding that the Respondent-Claimant are entitled to compensation of Rs.28,32,000/- with 7.5% p.a. interest till realization of the entire amount.

2. The learned counsel for the Applicant submits that in the present proceedings, they are challenging the quantum of compensation awarded by the Tribunal to the extent of Rs.9,40,000/- which was awarded towards future income. He submits that the Respondent-Claimant failed to produce on record any evidence to show that they

are entitled to compensation towards future income. He submits that if entire amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings.

3. The learned counsel for the Applicant Insurance Co. makes a statement that they are ready and willing to deposit the entire awarded amount in the Tribunal within 6 weeks from today. Statement is accepted.

4. As the Applicant Insurance Co. has restricted its claim to the extent of Rs.9,40,000/-, I am of the opinion that the Respondent-Claimants are entitled to withdraw some amount without furnishing any security.

5. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 26/06/2013 passed by the MACT, Mumbai in Application No.2327/2007 is stayed to the extent of Rs.9,40,000/- only, 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 6 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 Smt. Manasi Vinod Ambekar is entitled to withdraw sum of Rs.10 lacs, without furnishing any security.

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. The Respondent-Claimant is also entitled to quarterly interest on the fixed deposit without furnishing any security, subject to outcome of the First Appeal, for the benefit of Mast. Atharva Vinod Ambekar.

f. 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

g. The statutory deposit, if any, made by the Applicant at the time of filing the First Appeal be transferred to the Tribunal.

h. Civil application stands disposed off accordingly.

JUDGE