

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

CIVIL APPLICATION NO.1938/2015
IN
FIRST APPEAL (ST) NO. 27945/2014

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. R. Mahadik for the Applicant

CORAM : K. K. TATED, J.
DATE : JANUARY 4, 2016

P.C.:

1. Heard. This Application is made by the Insurance Company for stay of the operation and implementation of the impugned award dated 10/10/2013 passed by the MACT, Mumbai in Application No.125/2007 awarding sum of Rs.55000/- by way of compensation.

2. In the present proceedings, in an accident which occurred on 26/10/2005, the Respondent claimant sustained serious injuries i.e. fracture of right supracondylar femur, CLW on right frontal region, contusion right thigh and pelvic region for which she was treated as an indoor patient at LTMG Hospital till 05/11/2005. Because of these injuries, the Respondent claimant filed an

Application u/s. 166 of the Motor Vehicles Act claiming sum of Rs.1,50,000/- as compensation.

3. Considering the evidence on record, the Tribunal awarded sum of Rs.55000/- by way of total compensation along with interest @ 7.5% p.a.

4. The learned counsel for the Applicant Insurance Company submits that the Tribunal awarded compensation on higher side. He submits that they have good chance of success in the mater. In the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award till hearing and final disposal of the appeal. He submits that if stay is not granted, irreparable loss and injury will be caused to them.

5. Considering the submissions made by the learned counsel for the Applicant and as the Respondent claimant sustained serious injuries and she was indoor patient till 05/11/2005, following order is passed:

a. The operation and implementation of the impugned award dated 10/10/2013 passed by the MACT, Mumbai in Application No.125/2007 is

stayed till hearing and final disposal of the appeal on condition that the Applicant Insurance Company to deposit awarded amount in the Tribunal within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b. The Registry is directed to transfer the amount of Rs.25000/- deposited by the Appellant Insurance Company at the time of filing the appeal, to MACT, Mumbai in the account of Application No.125/2007, immediately.

c. If amount is deposited within stipulated time as stated hereinabove, the claimant Mrs. Pradnya Pravin Sakpal is entitled to withdraw 50% of the compensation amount without furnishing any security subject to out come of the appeal

d. 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 and the 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 amount,

if they so desire, which will be decided on its own merits

f. Civil application stands disposed off accordingly.

JUDGE