

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

**CIVIL APPLICATION NO.1942 OF 2015
IN
FIRST APPEAL (ST) NO.27961 OF 2014
WITH
CIVIL APPLICATION NO.1944 OF 2015
IN
FIRST APPEAL (ST) NO.27952 OF 2014
WITH
CIVIL APPLICATION NO.1983 OF 2015
IN
FIRST APPEAL (ST) NO.28063 OF 2014
WITH
CIVIL APPLICATION NO.1987 OF 2015
IN
FIRST APPEAL (ST) NO.28047 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.D.R.Mahadik for the applicant

**CORAM : K.K.TATED, J.
DATED : 11/01/2016**

PC:

- 1 Heard the learned counsel for the parties.
- 2 All these Civil Applications are preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award passed by MACT, Mumbai in respective applications.

3 The learned counsel for the applicant submits that the Tribunal by impugned judgment and award directed Insurance Company to deposit and or pay compensation to the respondents claimants and recover the same from the owner of the vehicle. He submits that the Tribunal has not directed in which matter they have to recover the amount from the owner. Hence, they preferred the present application for stay.

4 The learned counsel for the applicant Insurance Company submits that Insurance Company is ready and willing to deposit entire awarded amount with interest in the Tribunal within four weeks from today. Statement is accepted.

5 Considering the submissions made by the learned counsel for the Applicant and as all these Civil Applications are decided without issuing notice to the respondents claimants, liberty granted to them to prefer appropriate application for withdrawal of the amount and that application be decided on its own merits.

6 Considering the submissions made by the learned counsel for the Applicant and the reasons given by the Tribunal, I am of the opinion that the respondent claimant can withdraw 50% amount without furnishing any security but subject to outcome of the First Appeal. Hence, following

order is passed:

- a) Operation and implementation of the impugned judgment and award passed by MACT, Mumbai in respective Civil Applications are stayed till the hearing and final disposal of the First Appeal on condition that applicant Insurance Company to deposit entire awarded amount with interest and cost if any in the Tribunal within four weeks from today, failing which all Civil Applications shall stand dismissed without referring back 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 in each matter are entitled to withdraw 50% amount as per their share in compensation without furnishing any security subject to out come of the appeal.
- d) The Tribunal is directed to invest the remaining awarded 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 respondents 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 made by the Applicant/Insurance Company at the time of filing the First Appeal be transferred to the Tribunal in respective matters' account.

g) All Civil applications stand disposed off accordingly.

(K.K.TATED, J.)