

FARAD CONTINUATION SHEET
 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 CIVIL APPELLATE JURISDICTION
 CIVIL APPLICATION NO.2189/2015
 IN
 FIRST APPEAL (ST) NO. 28100/2014

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 : FEBRUARY 15, 2016

P.C.:

1. Heard. This Application is made by the Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 09/10/2013 passed by MACT, Mumbai in Application No.134/2007.

2. The learned counsel for the Applicant submits that the tribunal, by the impugned judgment and award directed the Insurance Company to deposit and/or pay compensation to the Respondent-claimant and recover the same from the owner of the offending vehicle. He submits that out of same accident, in all, ten claim petitions filed by the Appellant claimants. He submits that the Tribunal has not directed in which matter they have to recover the amount from the

owner. Hence, they made the Civil Application for stay.

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

4. 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% of the awarded amount without furnishing any security, subject to outcome of the appeal.

5. Considering the submissions made by the learned counsel for the Applicant and as the Civil Application is being decided without issuing notice to the Respondent-claimant, liberty granted to the Respondent-claimant to make an appropriate Application for withdrawal of the amount which will be decided on its own merits.

6. Hence, following order is passed:

a. The operation and implementation of the

impugned judgment and award 09/10/2013 passed by MACT, Mumbai in Application No.134/2007 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 4 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 are entitled to withdraw 50% of the awarded amount, without furnishing any security subject to out come 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 make an appropriate Application for further withdrawal of awarded 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.

JUDGE56