

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

CIVIL APPLICATION NO.1814/2015
IN
FIRST APPEAL (ST) NO. 32228/2014

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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Ms. Bhakti Barve for the Applicant
Mr. Akshay Shinde for the Respondent No.1.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 10, 2016

RC.:

1. Heard. This Application is made by the Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 14/08/2014 passed by the MACT, Kolhapur in MACP No.58/2009 awarding sum of Rs.9,18,130/- with 7% p.a. interest by way of compensation.

2. The learned counsel for the Applicant submits that in the present proceedings, the Tribunal erred in coming to the conclusion that the Respondent claimant sustained 100% disability. She submits that the Tribunal has awarded compensation on higher side. She submits that the

Applicant has good chance of success. She submits that if entire award amount is recovered/withdrawn in the Execution Application nothing will survive in the present proceedings. Hence, 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. She submits that she received instructions from the Insurance Company that they are ready and willing to deposit the entire awarded amount in the Tribunal within 6 weeks from today. Statement is accepted.

3. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and since the Applicant Insurance Company is ready and willing to deposit the entire awarded amount in the Tribunal within 6 weeks from today, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, 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

4. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 14/08/2014 passed by the MACT, Kolhapur in MACP No.58/2009 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 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 Tribunal is directed to invest the entire 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.

d. If the entire awarded amount is deposited within stipulated time as stated hereinabove, liberty granted to the claimants to make an

appropriate Application for withdrawal of awarded amount, if they so desire, which will be decided on its own merits

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

f. Civil application stands disposed off accordingly.

JUDGE