

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 47 OF 2017

IN

FIRST APPEAL NO. 36 OF 2017

NATIONAL INSURANCE CO. LTD., THR.
ITS DIVISIONAL MANAGER.,

... Applicant

Versus

SMT. TEJASWINI VIVEK NABAR AND 3
ORS.,

... Respondents

Mr. U. R. Timble, Advocate for the applicant.

Coram:- F. M. REIS, J.

Date:- 21st March, 2017

P.C.

Heard Mr. U. R. Timble, learned counsel appearing for the applicant.

2. The challenge in the above appeal is to an award passed by the learned Motor Accident Claims Tribunal wherein compensation has been fixed based on the salary of the deceased payable to the widow and a child who is admittedly of 13 years old.

3. Mr. Timble, learned counsel appearing for the applicant however points out that there was a breach of the term of the policy as well as a challenge to the quantum awarded which has

forced the applicant to file the above appeal.

4. After hearing the learned counsel appearing for the applicant, I was inclined to issue notice to the respondents to dispose of the matter finally at the stage of admission considering that the dependents were a child of only 13 years and a widow stated to be 40 years old. The fact that the accident occurred is not stated to be in dispute. Mr. Timble, learned counsel appearing for the applicant fairly accepts that the operation of the impugned judgment be stayed subject to the applicant depositing in this Court the total amount awarded by the impugned award and giving a liberty to the claimants/respondent nos. 1 and 2 to withdraw 50% of the amount so deposited in this Court.

5. For the aforesaid reasons, the above application stands disposed of by staying the operation of the impugned award dated 26.10.2016 subject to the applicant depositing in this Court the total amount so awarded within six weeks from today with liberty to the claimants/respondent nos. 1 and 2 herein to withdraw 50% of the amount so deposited. Remaining 50% shall be invested in the fixed deposit of Nationalized bank initially for a period of one year which shall be renewed from time to time until the disposal of the above appeal. The amount so withdrawn shall be subject to further orders which may be passed by this

Court in the above appeal. Liberty to the respondents to apply.

6. The application stands disposed of accordingly.

F. M. REIS, J.

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