

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

CIVIL APPLICATION NO.1501 OF 2019

IN

FIRST APPEAL (ST) NO.4445 OF 2019

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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Dr.Shalini Shankar for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 23, 2019**

P.C.:

. Not on board. At the request of Advocate for the Appellant, matter is taken on board for urgent orders.

2 Heard.

3 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 24.09.2018 passed by MACT, Satara in MACP No.599 of 2010 holding that Respondent original Claimants are entitled sum of Rs.1,52,000/- by way of

compensation along with interest @ 7.5% p.a.

4 The learned counsel for the Applicant submits that Respondent original Claimant filed Execution Application in which attachment order is already issued.

5 The learned counsel for the Applicant submits that he received instruction from the client that they are ready and willing to deposit entire awarded amount in the Tribunal on or before 31.05.2019. Statement is accepted.

6 The learned counsel for the Applicant submits that if entire amount is withdrawn by the Respondent Claimant in execution application, then nothing will survive in the present proceeding. He submits that they have good chance of success in the present matter.

7 In the present proceeding, in an accident which occurred on 14.09.2010 respondent original Claimant sustained 50% disability. Considering these facts, I am of the opinion that Respondent original Claimant can withdraw some amount.

8 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as Applicants are ready and willing to deposit

entire awarded amount along with interest before the Tribunal on or before 31.05.2019, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

A. Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit entire awarded amount along with interest in the Tribunal on or before 31.5.2019, failing which Civil Application shall stand dismissed without referring back to the court. Prayer clause (a) reads thus:

"(a) Pending the hearing and final disposal of the present First Appeal, this Hon'ble Court be please to stay the effect, implementation and or execution of the impugned Judgment and order dated 24/09/2018 passed by the Hon'ble Court of Member, in Motor Accident Claim Petition No.599 of 2010."

B. Respondent Claimant are entitled to withdraw 25% amount without furnishing any security but subject to outcome of the First Appeal.

C. Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same

to be continued till further orders.

D. Civil application stands disposed of
accordingly.

(K.K.TATED, J.)