

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1382 OF 2016
IN
FIRST APPEAL (ST) NO. 14179 OF 2015

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. Ganesh Bhujbal for the Applicant.

CORAM: K.K.TATED, J.
DATED : 26/08/2019

P.C.

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicants are seeking stay of the operation and implementation of the Judgment and Award dated 02.01.2014 passed by the MACT, Islampur in MACP No. 46 of 2011 holding that the Respondents original Claimants are entitled to a sum of Rs.1,95,000/- by way of compensation with interest @ 7 % p.a.

3 The learned Counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the Judgment and Award passed by the

Tribunal. He submits that if entire amount is recovered by the Respondents Claimants by filing Execution Application, then nothing will survive in this First Appeal. He submits that they have good chance of success in the matter.

4 In the present proceeding, the accident occurred on 02.04.2011. The Respondents-Claimants lost their son Sharad Baban Chougule. At that time, he was 26 years old and was earning Rs.3,000/- per month. Hence, Respondents-Claimants filed application under Section 163-A of the M.V. Act for compensation.

5 Considering the fact that the Tribunal awarded compensation of Rs.1,95,000/- under Section 163-A of the M.V. Act, I am of the opinion that Respondents-Claimants should be permitted to withdraw some amount without furnishing any security.

6 Hence, the following order is passed:

a) The operation and implementation of the Judgment and Award dated 02.01.2014 passed by the MACT, Islampur in MACP No. 46 of 2011, is stayed on condition that Applicant to deposit the entire awarded amount with interest in the Tribunal on or before 25.09.2019, failing which Civil Application shall stand dismissed without

further reference to the Court.

b) If amount is deposited within stipulated time, Claimant No.1 Babab Shamrao Cougule and Claimant No.2 Sou. Vimal Baban Chougule are permitted to withdraw 25% amount of total compensation with accrued interest each without furnishing any security but subject to outcome of the First Appeal.

c) The Tribunal is directed to invest the remaining amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.

d) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of further amount and that to be decided on its own merits.

e) Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)