

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4110/2017

in

First Appeal No.1363/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Ms. S. M. Dange for the Applicant Mr. B. G. Ligade I/b. Anand Patil for Respondent Nos.1 and 2.	

CORAM: K.K.TATED, J.

DATED : SEPTEMBER 19, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 31.03.2017 passed by the MACT Kolhapur in MACP No.107/2014 holdingt that the Respondent-Claimants are entitled to sum of Rs.18,47,400/- by way of compensation with interest @ 9% p.a.

2 The learned counsel for the Applicant submits that they are restraining their claim in the First Appeal only to the extent of Rs.4,87,400/-. He submits that in the present proceedings on the date of

accident the age of the deceased was 55 years old. The Tribunal has considered the age as 54 years and awarded compensation applying 11 multiplier. He submits that if the age of the deceased is taken as 55, its multiplier comes to 9. He submits that they have good chance of success in the matter.

3 The learned counsel for the Appellant submits that they will deposit the entire awarded amount in the Tribunal on or before 19.10.2019. The statement is accepted.

4 The learned counsel for the Appellant submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award to the extent of Rs.4,87,400/-.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award is stayed to the extent of Rs.4,87,400/- with accrued interest subject to the Applicant depositing the entire awarded amount of Rs.18,47,400/- along with accrued interest in the Tribunal on or before 19.10.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the amount is deposited within stipulated time as stated hereinabove the Respondent-Claimant are entitled to withdraw the entire amount except Rs.4,87,400/- with accrued interest without furnishing any security, as per their share.

c. The Tribunal is directed to invest the remaining amount of Rs.4,87,400/- with accrued interest 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. 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.

e. The sum of Rs.25,000/- deposited by the Appellant at the time of filing the First Appeal be transferred to the MACT, Kolhapur in MACP No.107/2014 along with accrued interest, if any, immediately.

f. No order as to costs.

g. The Civil Application stands disposed of accordingly.

(K.K.TATED, J.)