

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1127/2019
in
First Appeal No. 314/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Rahul Mehta I/b .KMC Legal Venture for the Applicant	

CORAM : K.K.TATED, J.
DATED : MAY 3, 2019

P.C.

Pursuant to the praecipe filed by the learned counsel for the Applicant, the matter is taken on production board.

2 By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 10.05.2018 passed by the MACT, Kolhapur in MACP No.603/2014 holding that the Respondent - claimant is entitled to sum of Rs.20,58,000/- by way of compensation along with 5% p.a. interest.

3 The learned counsel for the Applicant submits that the Respondent - claimant has filed Darkhast Application No.124/2018 to

recover the awarded amount. He submits that they have deposited the entire awarded amount in the Tribunal. The statement is accepted. He submits that if the entire amount is withdrawn by the claimants, nothing will survive in the present proceedings.

4 It is to be noted that in an accident which occurred on 19.04.2014 the Respondent - claimant sustained 100% disability. These facts are stated by the Tribunal in para 16 of the judgment. Considering the fact that there is 100% disability, I am of the opinion that the Respondent - claimant can be permitted to withdraw some amount without furnishing any security but subject to outcome of the First Appeal.

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

6 Hence, the following order is passed:

a. The Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) That this Hon'ble Court be pleased to stay the effect/execution/operation and implementation of the judgment and award dated 10.05.2018 passed in MACT Application No.603/2014 by K.R. Joglekar, MACT, Kolhapur @ Kolhapur.”

b. The Respondent – claimant is entitled to withdraw 50% of the awarded amount without furnishing any security but subject to outcome of the First Appeal.

c. The Tribunal is directed to invest the remaining amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

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 Civil Application stands disposed of accordingly.

(K.K.TATED, J.)