

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.944/2017

in

First Appeal No.291/2017

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. Rahul Mehta I/b. KMC Legal Venture
for the Applicant

CORAM: K.K.TATED, J.

DATED : OCTOBER 3, 2019

P.C.

1 Heard the learned counsel for the Applicant. None for the Respondent though duly served.

2 By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 13.09.2016 passed by the MACT, Satara in MACP N.337/2014 by which the Tribunal held that the Respondent-Claimants are entitled to sum of Rs.6,75,000/- by way of compensation with interest @ 9% p.a.

3 The learned counsel for the Applicant submits that as per order dated

21.03.2019 passed by this court, they have already deposited the entire awarded amount in the Tribunal. The statement is accepted.

4 The learned counsel for the Applicant 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. He submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

5 It is to be noted that in the present proceedings in an accident which occurred on 29.06.2014 the original claimant No.1 lost her wife. On the date of accident the deceased was 24 years old. The claimant No.2 minor sister, aged 7 years old lost her brother Soham. Because of accident, the original claimants had filed application u/s.166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.11,90,000/- with interest.

6 Considering these facts and as the claimant No.1 is looking after his minor daughter, I am of the opinion that he can be permitted to withdraw some amount pending the hearing and final disposal of the First Appeal.

7 Hence, 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 execution of judgment and award dated 13.09.2016 passed in MACT application No.337/2014 by Shri A.N.Sirsikar, Member, MACT, Satara.”

b. Claimant No.1 Raju @ Rajeev Chingu Chavan is permitted to withdraw sum of Rs.2 lacs with accrued interest 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 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 Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)