

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1535/2019
in
First Appeal (ST)No.35244/2018

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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Shri Himanshu Takke, Advocate I/b Milind More
for applicant.

CORAM : K.K.TATED, J.
DATED : APRIL 26, 2019

P.C.

1 Heard learned counsel for applicant.

2 By this Civil Application, the Applicant is seeking stay of operation and implementation of the impugned judgment and award dated 03.02.2018 passed by learned Member, Motor Accident Claim Tribunal, Karad at Satara in motor Accident Claim Petition no.180/2011 holding that, respondents are entitled to a sum of Rs.19,98,000/- by way of compensation along with interest @ 6% p.a. from the date of petition till realization of entire amount. Learned counsel for applicant submits that respondent

filed Darkhast no.45/2018 for recovery of entire amount. He further submitted that they already deposited the entire amount in the tribunal on 6.2.2019. He submitted that if the entire amount is withdrawn by the claimant then nothing will survive in the present proceeding. He further submitted that this court needs to stay operation of impugned judgment till hearing and final disposal of first appeal.

3. It is to be noted that in an accident which occurred on 3/5/2011, claimant no.1 lost her husband. Claimant no.1 is a household wife. She is maintaining her minor son. Because of accident, claimant no.1 filed Claim Petition under section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.24,37,000/-. Considering the evidence on record, the tribunal awarded Rs.19,98,000/- with interest.

4. Considering this fact, I am of the opinion that claimant no.1 can be permitted to withdraw some amount without furnishing security.

5. Hence, the following order is passed:

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

“a. To stay the execution of the Judgment and Award dated 3.2.2018 passed by the Learned Member, Motor Accident Claim Tribunal Karad, at Satara in Motor Accident Claim Petition no.180/2011.”

b) Claimant no.1 Anita Arun Chavan is permitted to withdraw sum of Rs.5,00,000/- (Rupees Five Lakhs only) with accrued interest without furnishing any security, but subject to outcome of first appeal.

c) Tribunal is directed to invest the balance 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, if they so desire, to prefer an application for withdrawal of further amount and the same shall be decided on its own merits.

(528)ca-1535-19

e) Civil Application stands disposed of accordingly.

f) No order as to cost.

(K.K.TATED, J.)