

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1650/2019
in
First Appeal No.511/2019

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

CORAM : K.K.TATED, J.
DATED : JULY 9, 2019

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Company is seeking stay to the the operation and implementation of the impugned judgment and award dated 18.08.2018 passed by the MACT Solapur in MACP No.336/2015 holding that the Respondent - Claimant is entitled to sum of Rs.14,61,800/- by way of compensation @ 7.5% p.a.

2 The learned counsel for the Applicant submits that the Tribunal has awarded compensation on higher side. He submits that Dr. Ranade has issued a medical certificate showing that the

Respondent has sustained 60% permanent disability. He submits that at the time of awarding compensation the Tribunal has considered 50% future prospect i.e. Rs.3,24,000/-. He submits that they have good chance of success in the matter. He submits that they also raised other grounds in the First Appeal memo.

3 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 entire amount is recovered by the Respondent / original claimant by filing Execution then nothing will survive in the present proceedings.

4 It is to be noted that in the present proceedings, in an accident which occurred on 09.04.2015 the Respondent - Claimant sustained injury. He was admitted in the hospital from 09.04.2015 to 20.04.2015. Dr. Ranade has issued medical certificate and certified permanent disability to the extent of 50%. Hence, I am of the opinion that the

Respondent - Claimant can be allowed to withdraw some amount during pendency of the First Appeal.

5 Hence, following order is passed:

6 The Civil Application is allowed in terms of prayer clause (a) subject to the Applicant Insurance Company depositing the entire awarded amount in the Tribunal on or before 31.08.2019, failing which the Civil Application shall stand dismissed without further reference to the court. Hence, following order is passed:

a. 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 18.08.2018 passed in MACT application No.336/2015 by Mr.R.N.Laddha, Member, MACT Satara @ Satara.”

b. If entire awarded amount is deposited within stipulated time as stated hereinabove the claimant is permitted to withdraw 30% 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. Civil application stands disposed off accordingly.

(K.K.TATED, J.)