

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2257 OF 2017
IN
FIRST APPEAL (ST.) NO.526 OF 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.Nikhil Mehta i/b M/s.KMC Legal Venture
for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 10, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 30.12.2015 passed by MACT, Nashik in MACP No.638 of 2012 holding that Respondents Claimants are entitled sum of Rs.23,75,796/- by way of compensation with interest @ 7% p.a.

3 The learned counsel for the Applicant submits that as per order dated 11.8.2017 passed by this court, they already deposited entire awarded amount in the Tribunal. He submits that if amount is withdrawn by the Respondent Claimant, then nothing will survive in the present proceeding. He submits that pending the hearing and final disposal of the First Appeal, Respondent to be restrained from withdrawing the amount deposited by them

4 It is to be noted that in the present proceedings, because of accident which occurred on 5.1.2012 Claimant no.1 lost her husband Kishor Babu. Claimant no.1 have to maintain three minor children as well as mother in law who is Senior Citizen.

5 Considering these facts, I am of the opinion that Claimant no.1 Savitri Kishor Babu and Claimant no.5 Sushila Rangnath Babu can withdraw 30% and 10% respectively of the total compensation without furnishing any security but subject to outcome of the First Appeal. Hence, following order is passed:

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

"(a) That this Honourable court may be pleased to stay the effect/implementation

of the Judgment and Award dated 30.12.2015 passed in MACT Application No.638 of 2012 by Shri V.G.Raghuwanshi."

- b. Claimant no.1 Savitri Kishor Babu is permitted to withdraw 30% of the amount and Claimant no.5, Sushila Rangnath Babu to withdraw 10% amount of the total compensation without furnishing any security but subject to outcome of the First Appeal.
- c. Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same is continued till further orders.
- d. Liberty granted to the Claimant to make appropriate Application for withdrawal of remaining amount and that Application be decided on its own merits.
- e. Civil application stands disposed off accordingly.

(K.K.TATED, J.)