

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

**CIVIL APPLICATION NO.486 OF 2019
IN
FIRST APPEAL (ST.) NO.1354 OF 2019**

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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Ms.Deepika Prabhala i/b M/s.Res Juris for the applicant

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

P.C.:

. Not on board. At the request of Advocate for the Applicant, matter is taken on board for urgent orders.

2 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the judgment and award dated 3.5.2018 passed by MACT, Thane in MACP No.534 of 2017.

3 The learned counsel for the Applicant submits that Applicants have already

deposited entire awarded amount in the Tribunal on 8.2.2019. She submits that if entire amount is withdrawn by the respondent original claimant then nothing will survive in the present proceeding. Hence, she has mentioned the matter for urgent orders.

4 It is to be noted that in the present proceeding, claimant nos.1 and 2 lost their son and claimant nos.3 and 4 their father. Hence, claimant filed claim petition under section 163A of the Motor Vehicles Act, 1988.

5 Considering the submissions made by the learned counsel for the applicant, as Tribunal has awarded sum of Rs.4,41,500/- by way of compensation with interest @ 8% p.a. and as Claim Petition was under section 163A of the said Act, I am of the opinion that claimant nos.1 and 2 can withdraw some amount awarded in their favour without furnishing any security. Hence, following order:

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

"a) Pending hearing and final disposal of the present First Appeal, the execution, implementation and operation of the Judgment and award dated 3.5.2018 passed by the Ld. Member, Motor Accident

*Claims Tribunal, Thane in MACP
No.534/2017 may kindly be stayed."*

B) Claimant no.1 Mahadev Babu Toraskar and claimant no.2 Sunita Mahadev Toraskar is entitled to withdraw sum of Rs.1,00,000/- each with accrued interest without furnishing any security.

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 further amount and that Application be decided on its own merits.

E) Civil application stands disposed off accordingly.

(K.K.TATED, J.)