IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2371 OF 2019
IN
FIRST APPEAL (ST) NO. 2170 OF 2019

Reliance Capital Company General Insurance Company Ltd. ... Applicant/Appellant

Versus

Kum. Taiseen Najir Aravkar & Ors. … Respondents.

Mr. Rahul Mehta i/b. KMC Legal Venture for the Applicant.

CORAM : K. K. TATED, J.
DATE : 18th SEPTEMBER, 2019

P.C.

Heard learned counsel for the applicant.

2. By this Civil Application, the applicant Insurance Company is seeking stay to the operation and implementation of the judgment and award dated 7th April, 2018 passed by Motor Accident Claims Tribunal Khed in Motor Accident Claim Petition No.09 of 2014, holding that respondent/claimant is entitled to compensation of Rs.69,087/- with interest @ 6% p.a.

3. Considering the submission made by the learned counsel for the applicant and averments made in Civil

Application, I satisfied that applicant has made out a case for allowing this Civil Application, but at the same time they have to deposit entire awarded amount in Tribunal.

4. In the present proceeding, the accident occurred on 1st March, 2013, the respondent/original claimant sustained injuries. Hence, she had filed the claim petition for compensation under Section 166 of the Motor Vehicle Act. Considering the reasoning given by the Tribunal, I am of the opinion that claimant can be permitted to withdraw 50% of the awarded amount without furnishing any security. Hence, the following order -

(i) 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 17.04.2018 passed in M.A.C.T. Application No.09 of 2014 by Shri.B.D. Shelke, Member, M.A.C.T. Khed @ Khed."*

on condition that appellant to deposit the entire awarded amount with interest in Tribunal on or before 19.10.2019, failing which Civil Application shall stand dismissed without further reference to the Court.

(ii) After depositing amount within time, the respondent/ claimant Kum.Taiseen Najir Aravkar is entitled to withdraw 50% amount with accrued interest without furnishing any security, but subject to outcome of the First Appeal.

(ii) 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 to be continued till further order.

(iii) Liberty is granted to the respondent/claimant, if he so desires, to prefer an appropriate application for withdrawal of remaining amount and that will be decided on its own merits.

(iv) Civil Application stands disposed of accordingly.

(v) No order as to costs.

[K. K. TATED, J.]