

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

CIVIL APPLICATION NO.982/2019
IN
FIRST APPEAL (ST) NO.3370/2019

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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Mr. Ayodhya Patki I/b. N. V. Bhatekar for the Applicant

CORAM : K. K. TATED, J
DATE : MARCH 13, 2019

P.C.:

1 Heard. By this Civil Application, the Applicant seeks stay of the operation and implementation of the judgment and award dated 07.09.2018 in MACP No.633/2016 passed by the MACT, Nasik holding that the Respondent - claimant is entitled to compensation in the sum of Rs.6,50,000/- with interest @ 6% p.a.

2 The learned counsel for the Applicant submits that they have already deposited the entire awarded amount including interest,

costs and charges before the Tribunal on 02.03.2019. The statement is accepted.

3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 At the same time the claimant is entitled to withdraw some amount unconditionally, because in the accident which occurred on 20.04.2016 he suffered 35% disability as per the certificate on record being Exhibit- 35 and the present order is passed without notice to the Respondent - claimant.

5 Hence, the following order is passed:

- a. The operation and implementation of the judgment and award dated 07.09.2018 in MACP No.633/2016 passed by the MACT, Nasik is stayed till further orders.
- b. The Respondent - claimant is entitled to withdraw sum of Rs.1,50,000/- with accrued interest unconditionally.
- c. 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

d. 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 further orders.

e. Civil Application stands disposed of accordingly.

(K.K. TATED, J.)