

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

**CIVIL APPLICATION NO.984 OF 2019
IN
FIRST APPEAL NO.258 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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Mr.D.Shalini Shankar for the appellant

**CORAM : K. K. TATED, J
DATE : MARCH 12, 2019**

P.C.:

1 Heard.

2 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the judgment and award dated 27.09.2017 passed by MACT, Thane in MACP No.182 of 2010 holding that respondents claimants are entitled sum of Rs.8,80,000/- by way of compensation along with 9% interest from the date of applicant till payment.

3 The learned counsel for the applicant submits that respondents original claimants

filed Regular Darkhast No.157 of 2018 for recovery of entire amount. She submits that in that Darkhast Application, they preferred attachment order. Pursuant to the said Darkhast, executing court issued attachment order against the applicant.

4 The learned counsel for the applicant submits that She received instruction from her client that they are willing to deposit entire awarded amount along with interest and cost if any in the Tribunal within six weeks from today. She further submits that she received instruction from her client that they have no objection if respondents original claimants are permitted to withdraw 50% amount of compensation. Statement is accepted.

5 Considering the submissions made by the learned counsel for the applicant, the averments made in the Application and as applicants are ready and willing to deposit entire awarded amount in the Tribunal within six weeks from today and as they have no objection if Respondents / original claimants are permitted to withdraw 50% amount without furnishing any security, I am satisfied that the applicant has made out a case for following order:

A Civil Application is allowed in terms of

prayer clause (a) on condition that applicant to deposit entire awarded amount along with interest if any, within six weeks from today in Tribunal, failing which Civil Application shall stand dismissed without referring back to the court.

B If amount is deposited within stipulated time as stated hereinabove, respondents original claimants can withdraw the amount without furnishing any security as under:

- I. Claimant No.1, Shubhangi Sanjay Patil- 30%
- II. Claimant No.2, Suraj Sanjay Patil - 5%
- III. Claimant No.3, Vishaka Sanjay Patil - 5%
- IV. Claimant No.4, Nirmala Keshav Patil - 5%

C Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank for a period of one year and same be continued till the hearing and final disposal of the First Appeal.

D Liberty granted to the respondents original claimants if they so desire, they can prefer appropriate application for withdrawal of the remaining amount and that will be decided on its own merit after hearing both the sides.

E Civil application stands disposed of
accordingly.

(K.K. TATED, J.)