

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

**CIVIL APPLICATION NO.729 OF 2018
IN
FIRST APPEAL (ST.) NO.4543 OF 2018**

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.Akshay Kulkarni i/b Mr.S.S.Diwan for the
applicant

**CORAM : K. K. TATED, J
DATE : APRIL 1, 2019**

P.C.:

. Heard.

2 By this Civil Application Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 12.06.2017 passed by MACT, Thane in MACP No.317 of 2014.

3 The learned counsel for the Applicant submits that they already deposited entire decretal amount in the Trial Court. He submits that if entire amount is withdrawn

then nothing will survive in the present proceedings. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award dated 12.06.2017 pending the hearing and final disposal of the First Appeal.

4 It is to be noted that in the present proceeding, in an accident which occurred on 16.02.2013 Respondents original Claimants lost their son aged 13 years.

5 Considering the submissions made by the learned counsel for the Applicant and the reason disclosed by the Tribunal in its order dated 12.06.2017, I am of the opinion that the Respondents original Claimants are permitted to withdraw some amount without furnishing any security. Hence, following order is passed:

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

"a) That pending the hearing and final disposal of the present First Appeal, the effect, operation, implementation and execution of the impugned judgment and award dated 12.06.2017 passed by the Motor Accident Claims Tribunal Thane in M.A.C.P. no.317 of 2014 and disbursal of

amount there under, be kindly stayed."

B) Claimant No.1, Santosh Narayan Padekar and Claimant no.2, Savita Santosh Padekar are entitled to withdraw 20% of total compensation each 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 be continued till further orders.

D) Liberty granted to the Respondents original Claimants if they so desire to prefer appropriate Application for withdrawal of further amount and that be decided on its own merits.

E) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)