

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

**CIVIL APPLICATION NO. 509 OF 2011  
IN  
FIRST APPEAL NO. 160 OF 2012**

Brihan Mumbai Electricity Supply and  
Transport Undertaking ....Applicant  
V/s.  
Rama Bhola Vishwakarma ....Respondent

**WITH  
CIVIL APPLICATION NO.3246 OF 2016  
IN  
FIRST APPEAL NO. 160 OF 2012**

Rama Bhola Vishwakarma ....Applicant

In the matter between :-

Brihan Mumbai Electricity Supply and  
Transport Undertaking ....Appellant  
V/s.  
Rama Bhola Vishwakarma ....Respondent

Mr. Arsh Misra i/b. M.V. Kini and Co. for the applicant in  
CAF/509/2011 and for the appellant in FA/160/2012.  
Ms. Rina Kundu for the applicant in CAF/3246/2016  
and for respondent no.1 in CAF/509/2011 and in FA/160/2011.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : 13<sup>th</sup> AUGUST, 2019**

**P.C.:-**

**ORDER IN CIVIL APPLICATION NO. 509 OF 2011 :-**

. By this civil application, the applicant has sought to stay the  
execution and implementation of the impugned judgment and award

dated 31/07/2010 passed by the MACT, Thane in MACP No.1115/2005.

2. By the impugned judgment and award, the Claims Tribunal has awarded compensation of Rs.5,78,000/- inclusive of no fault liability with interest @ 7.5% p.a. from the date of application till final realization.

3. Mr. Arsh Misra, learned counsel for the applicant – insurance company states that the entire compensation as per the impugned judgment and award has been deposited before the Claims Tribunal, Thane. The said statement is not controverted by the learned counsel for the respondent no.1.

4. In the light of said statement, execution and implementation of the impugned judgment and award dated 31/07/2010 passed by the MACT, Thane in MACP No.1115/2005 is stayed till the disposal of the appeal.

5. Civil Application stands disposed of.

**ORDER IN CIVIL APPLICATION NO. 3246 OF 2016 :-**

6. By this civil application, the applicant who is the original

claimant, has sought withdrawal of compensation deposited by the respondent – Corporation pursuant to the impugned judgment and award dated 31/07/2010 passed by the MACT, Thane in MACP No.1115/2005. The learned counsel for the respondent – Corporation has already deposited the entire compensation as per the impugned judgment and award before the Claims Tribunal, Thane.

7. By order dated 01/02/2012, this Court had allowed the applicant to withdraw a sum of Rs.1,00,000/- without furnishing security. The applicant has stated that the injuries sustained in the accident has resulted in permanent disablement. He further states that he is unable to do any work and earn his livelihood. It is further stated that he is 61 years of age and suffering from several ailments and requires money for medical treatment.

8. Considering the reasons stated in the application and the grounds raised in the appeal memo, the applicant – Rama Bhola Vishwakarma is permitted to withdraw 50% of the balance amount of compensation with proportionate interest accrued thereon. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

9. It is made clear that the payment is subject to the final outcome

of the appeal. The applicant shall give an undertaking before the Tribunal that he shall abide by the order that may be passed in the appeal.

Preeti  
H.  
Jayani

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Preeti H.  
Jayani  
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10. Civil Application No.3246/2016 stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**