

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

**CIVIL APPLICATION NO.3342 OF 2017
IN
FIRST APPEAL NO.1191 OF 2017**

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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Ms.Deepika Prabhala i/b M/s.Res Juris for the
applicant

**CORAM : K. K. TATED, J
DATE : MARCH 27, 2019**

P.C.:

. Not on board. At the request of advocate
for the Applicant, matter is taken on board for
urgent order.

2 Heard.

3 By this Civil Application, Applicant
Insurance Company is seeking stay of the
operation and implementation of the impugned
judgment and award dated 8.12.2016 passed
by MACT Raigad at Alibag in MACP No.247 of
2011 holding that Respondent Claimant are

entitled Rs.23,03,008/- with interest @ 7% p.a.
by way of compensation.

4 The learned counsel for the Applicant submits that the Respondent Claimant filed execution application. Executing court issuing warrant of attachment. She submits that if entire amount is recovered by the Respondent / claimant in execution application, then nothing will survive in the present matter. She submits that they have good chance of success in the present proceeding.

5 The learned counsel for the Applicant submits that she received instruction from her client that they are ready and willing to deposit entire awarded amount in the Tribunal.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application and as Applicant Insurance Company is ready and willing to deposit entire awarded amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing Civil Application, but at the same time, Respondent Claimants are entitled to withdraw some amount without furnishing any security. Hence, following order is passed :

a. Operation and implementation of the

impugned judgment and award dated 8.12.2016 passed by MACT, Alibag at Raigad in MACP No.247 of 2011 is stayed on condition that Applicant to deposit entire awarded amount with interest in the Tribunal on or before 30.04.2019, failing which Civil Application shall stand dismissed without referring back to the court.

- b. If amount is deposited within stipulated time as stated hereinabove Claimant no.1, Ashadevi Vinod Paswan is entitled to withdraw sum of Rs.5 lacs with accrued interest without furnishing security.
- c. Tribunal is directed to invest the remaining amount in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- d. Liberty granted to the Respondent original Claimant if they so desire to prefer appropriate application for withdrawal of additional amount and that be decided on its own merits.
- e. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)