

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2158 OF 2019
IN
FIRST APPEAL ST. NO. 8751 OF 2019

Maharashtra State Road Transport Corporation ... Applicant

v/s.

Smt. Suman Sunil Sutar & Ors. ... Respondents

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Mr. Dhananjayrao D. Rananaware for the Applicant.

Mr. Rahul Patil i/b Mr. Umesh R. Mankapure for Respondents Nos 1 to 5.

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CORAM : K. K. TATED, J.

DATED : AUGUST 29, 2019

P.C.:

1. Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and Award dated 5th May, 2018 passed by the MACT, Sangli in MACP No. 48 of 2017 holding that the Respondents original Claimants are entitled to a sum of Rs. 18,99,950/- by way of compensation with interest @ 8 % p.a. from the date of filing of the petition till realisation of the entire amount.

3. The learned counsel for the Applicant submits that they have already deposited entire amount in Tribunal with interest. Statement is accepted.

4. The learned counsel for Applicant submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court may be pleased to stay the operation and implementation of the Judgment and Award. He submits that if the entire amount is withdrawn by the Respondent, then nothing will survive in the present proceeding.

5. On the other hand, learned counsel Mr. Rahul Patil appearing on behalf of the Respondents submits that, tribunal has awarded compensation after considering the evidence on record. He submits that, Claimant No. 1 is wife of the deceased, Claimant No. 2 is daughter of deceased and Claimant No. 4 & 5 are parents of deceased. He submits that deceased on the date of accident claimant was 57 years old and he was doing the Carpentry work and earning Rs. 20,000/- p.m. He further submits that, in respect of the income of the deceased, they placed on record the Income Tax Return. Hence, there is no substance in the present proceeding and the same is required to be dismissed.

6) Considering the submissions made by the learned counsel for the Applicant and averments made in Civil Application, I am satisfied that Applicant has made out a case for passing the following order:

7) Hence following order is passed:

a) Operation and implementation of the Judgment and Award dated 5th May, 2018 passed by the MACT, Sangli in MACP No. 48 of 2017 is stayed till final hearing and final disposal of the First Appeal.

b) Respondents Original Claimants to the claims are permitted to withdraw following amount with accrued interest without furnishing the security but subject to the outcome of the First Appeal.

1) Claimant No. 1 Smt. Suman Sunil Sutar, has permitted to withdraw 20%

2) Claimant No. 2 Kumar Prasad Sunil Sutar, has permitted to withdraw 10%.

3) Claimant No. 4 Appasaheb Sakharam Sutar, has permitted 10%.

4) Claimant No. 5 Sau. Sharada Appasaheb Sutar, has permitted 10%.

c) The Tribunal is directed to invest the remaining amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further orders.

- d) Civil Application stands disposed of accordingly.
- e) No order as to costs.

(K. K. TATED, J)