

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

**CIVIL APPLICATION NO.3416 OF 2018  
IN  
FIRST APPEAL (ST.) NO.11991 OF 2018**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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 Prashala i/b M/s.Res Juris 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 judgment and award dated 30.10.2017 passed by MACT, Nashik in MACP No.154 of 2014.

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

4 The learned counsel for the Applicant submits that if entire amount is withdrawn by the Respondent claimant then nothing will survive in the present proceedings. She submits that they have good chance of success in the present proceedings.

5 It is to be noted that in an accident, Respondent original claimant sustained permanent disability. Apart from that, there is a delay in filing First Appeal. Considering these facts, I am of the opinion that Respondent claimant be allowed to withdraw 20% amount of the compensation awarded by the Tribunal without furnishing any security at present.

6 Considering these facts, the following order is passed:

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

"(b) Pending the hearing and final disposal of the first appeal the execution, implementation and operation of judgment and award dated 30.10.2017 passed by the Learned Member, Motor Accident Claims Tribunal at Nashik in MACP

No.154 of 2017 may kindly be stayed."

B) Respondent original claimant Sonal Sachin Bairagi is entitled to withdraw 20% amount without furnishing any security.

C Tribunal is directed to invest 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 the further amount and that be decided on its own merits.

E) Civil Application stands disposed of accordingly.

F) No order as to costs.

**(K.K.TATED, J.)**