

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3034 OF 2019
IN
FIRST APPEAL (ST) NO. 3802 OF 2019

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 Deshpande I/b Mr. Pranil Sonawane for the Applicant.

CORAM: K.K.TATED, J.
DATED : 10/10/2019

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 15.12.2017 passed by the MACT, Raigad in MACP No. 172 of 2016, holding that the Respondents original Claimants are entitled to a sum of Rs.39,87,552/- by way of compensation with interest @ 9 % p.a.

3 The learned Counsel for the Applicant submits that Applicant is ready and willing to deposit the entire awarded amount with interest in Tribunal.

4 It is to be noted that in the present proceeding in accident which occurred on 01.01.2016, the Respondents original

Claimants lost their son Uday Narendra Mokal who was 21 years old. He was working as Junior Assistant in JSW Steel Limited, Dolvi, Tal: Pen. His pay scale was Rs.18,552/- per month. Hence, Respondents original Claimants filed application under Section 166 of the M.V. Act claiming compensation of Rs.26,30,932/-.

5 Considering the fact that claim petition was filed by the parents of the deceased, I am of the opinion that they can be permitted to withdraw the amount with accrued interest without furnishing any security, but subject to outcome of the First Appeal

6 Considering the submissions made by the learned Counsel for the Applicant and as Applicant is ready and willing to deposit the entire amount in the Tribunal on or before 08.11.2019, I am satisfied that Applicant has made out a case for allowing this Civil Application.

7 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit the entire awarded amount with interest in the Tribunal on or before 08.11.2019, failing which Civil Application shall stand dismissed without further reference to the Court. Prayer

clause (a), reads thus:

“a) This Hon'ble Court be pleased to allow the present Applicant thereby granting stay on the operation, execution and implementation of the impugned Judgment and Award dated 15th December 2017 passed by the Motor Accident Claims Tribunal , Raigad – Alibagh in MACP No. 172 of 2016 till the final disposal of the present First Appeal proceeding;”

b) If amount is deposited within stipulated time, the Claimant No.1 Narendra Pundalik Mokal and Claimant No.2 Surekha Narendra Mokal are permitted to withdraw 25% each with accrued interest without furnishing any security, but subject to outcome of the First Appeal.

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 order.

d) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of further amount and that to be decided on its own merits.

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

(K.K.TATED, J.)