

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1131/2016
in
First Appeal (ST) No.12831/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Devendranath S. Joshi for the Applicant

CORAM: K.K.TATED, J.
DATED : AUGUST 21, 2019

P.C.

1 Heard. By this Application the Applicant Insurance Co. is seeking stay to the operation and implementation of the impugned judgment and award dated 11.09.2014 passed by the MACT Pune in MACP No.754/2011 holding that the Respondents are entitled to sum of Rs.5,13,200/- by way of compensation with interest @ 8% p.a. He submits that they have good chance of success in the matter. He submits that if the entire amount is withdrawn by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings. He submits that he received instructions from their client that they are ready and willing to deposit

the entire awarded amount in the Tribunal within four weeks from today. The statement is accepted.

2 In the present proceedings in an accident which occurred on 12.06.2011 .. Rajaram @ Raju David Muthyu expired who was 60 years old on that day. He was earning near about Rs.6500/- pm. Hence, the Respondent-Claimant had filed an application u/s.166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.3 lacs along with interest @ 18% p.a. Considering these facts, the claimant can be permitted to withdraw some amount during pendency of the First Appeal.

3 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (a) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 27.09.2019 failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (a) reads thus:

“(a) Pending the hearing and final disposal of the appeal, this Hon’ble Court, by an order of stay,

may kindly stay the operation, implementation and execution of the part of the impugned judgment and award dated 11.09.2014 passed by the MACT, Pune in MACP No.754/2011.”

b. If amount is deposited within stipulated time as stated hereinabove the claimants are entitled to withdraw following amount with accrued interest without furnishing any security but subject to outcome of the First Appeal.

Claimant No.1 - Smt. Jayashree Rajaram
@ Raju Muthyu - 25%

Claimant No.2 - Marcy Rajaram @ Raju
Muthyu - 5%

Claimant No.3 - Jaspin Rajaram @ Raju
Muthyu 5%

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)