

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO.3043/2017
in
First Appeal No. 1092/2017

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. Urmila K. Sanil for the Applicant

CORAM: K.K.TATED, J.
DATED : AUGUST 28, 2019

P.C.

1 Heard. By this Civil Application the Applicant is seeking stay to the operation and implementation of the judgment and award dated 29.09.2016 passed by the MACT Raigad at Alibaug in MACP No.318/2013 holding that the Respondent-Claimants are entitled to compensation to the tune of Rs.13,05,000/- with interest @ 7% p.a. from the date of Application till realisation.

2 The learned counsel for the Applicant submits that in the present proceeding the deceased was riding a motor bike. On the date of accident he was 17 years old. He was not holding

valid license on that day. In spite of that, the tribunal held that the Insurance Co. is liable to pay compensation. She submits that they have already deposited the entire awarded amount in the Tribunal. She submits that till hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. She submits that if stay is not granted irreparable loss will be caused to the Applicant.

3 Considering the submissions made by the learned counsel for the Applicant, the impugned judgment and award and as entire awarded amount has been deposited in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) The judgment and award dated 29.09.2016 passed in MACP No.318/2013 by the Member, MACT, Alibaug be stayed as against the Petitioners/ Appellants pending the hearing and final disposal of this First Appeal.”

b. The Tribunal is directed to invest the award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

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

c. The Civil Application stands disposed of accordingly.

d. No order as to costs.

e. The amount of Rs.25000/- deposited by the Appellant at the time of filing the First Appeal be transferred to the MACT, Raigad at Alibaug in the account of MACP No.318/2013.

(K.K.TATED, J.)