

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2880/2017
in
First Appeal (ST) No.15882/2017

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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Mr. Misar for the Applicant

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

P.C.

1 Heard. The learned counsel for the Applicant submits that by this Civil Application the Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 20.10.2015 passed by the MACT Baramati in MACT No.54/2015 holding that the Respondent- claimants are entitled to sum of rs.27,44,000/- by way of compensation @ 9% p.a. from the date of application till realisation of the said amount.

2 The learned counsel for the Applicant submits that they have already deposited the entire awarded amount in the Tribunal. The statement is accepted.

3 The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. He submits that if the entire amount is withdrawn by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.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 they have good chance of success in the matter.

4 It is to be noted that in the accident which occurred on 06.03.2015 the claimant No.1 lost her husband Vilas Sambhaji Tarange who was 52 years old. He was in employment of sugar factory and was drawing monthly salary of Rs.20,000/-. He was also doing milk business and earning Rs.10,000/- p.m. The Respondent had filed application u/s.166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.40 lacs with interest @ 12% p.a. Considering these facts, I am of the opinion that the Respondent-Claimant can be permitted to withdraw some amount with accrued interest without furnishing any security but subject to outcome of the First Appeal.

5 Hence, following order is passed:

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

“(a) Pending the hearing and final disposal of the abovesaid First Appeal, the execution, operation and implementation of the impugned judgment and award dated 20.10.2016 passed by the learned Member, MACT, Baramati in MACP No.54/2015 may kindly be stayed.”

b. The Respondent-Claimants are entitled to withdraw the following amount with accrued interest without furnishing any security but subject to outcome of the First Appeal.

Applicant No.1 - Lalita Vilas Tarange
Rs.4,00,000/-

Applicant No.2 - Vaibhav Vilas Tarange
Rs.2,00,000/-

Applicant No.3 - Vidya Vilas Tarange
Rs.1,00,000/-

Applicant No.4 - Geetabai Sambhaji
Tarange - Rs.1,00,000/-

c. The Tribunal is directed to invest the remaining 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.

d. 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

e. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)