

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.1347/2016

in

First Appeal (ST) No.17000/2015

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Ms. Poonam Mittal for the Applicant

CORAM : K.K.TATED, J.
DATED : JULY 15, 2019

P.C.

1 Heard. By this Application, the Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 14.11.2014 passed by the MACT Thane in MACP No.1001/2007 awarding compensation of Rs.3,60,000/- along with interest @ 7% p.a.

2 The learned counsel for the Applicant submits that in an accident which occurred on 09.09.2007, a 14 years old boy was died. She submits that the Tribunal has awarded compensation. She submits that they have good chance of success in the matter. She submits that this Hon'ble Court be pleased to stay the the operation and implementation of the impugned judgment and award till

hearing and final disposal of the appeal.

3 The learned counsel for the Applicant makes a statement that she has received instructions from her client that, they are ready and willing to deposit the entire awarded amount with interest in the Tribunal within three weeks from today.

4 In an accident which occurred on 09.07.2007, the Respondent - Claimant lost their son of 14 years old. Though the award was passed on 13.11.2014 they have not paid a single pie. Considering these facts, I am of the opinion that the claimants can withdraw some amount during pendency of the First Appeal.

5 Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 14.11.2014 passed by the MACT Thane in MACP No.1001/2007 is stayed till hearing and final disposal of the appeal subject to the Applicant Insurance Company depositing the entire awarded amount in the Tribunal along with interest on or before 09.08.2019, failing which the Civil Application shall stand

dismissed without further reference to the court.

b. If amount is deposited within stipulated time as stated hereinabove, the claimant Nos.1 Chembottil Puthanveetil Premchand and Claimant No. 2 Smt. Geetha Chandran are entitled to withdraw 25% each from the awarded amount with accrued interest without furnishing any security but subject to outcome of the First Appeal.

c. The Tribunal is directed to invest the remaining 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.

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. Civil application stands disposed off accordingly.

(K.K.TATED, J.)