

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3683/2016
in
First Appeal (ST) No. 21332/2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mrs. Poonam Mittal for the Applicant Mrs. Diya Jadhav I/b. Tushar Jadhav for Respondent No.1.	

CORAM : K.K.TATED, J.
DATED : APRIL, 8, 2019

P.C.

1. Heard. By this Civil Application, the Applicant Insurance Company is seeking the stay to the operation and implementation of the impugned judgment and award dated 06.02.2016 passed by the MACT, Pune in MACP No.782/2012 holding that the Respondent claimant is entitled to sum of Rs.3,23,636/- by way of compensation with 9% p.a. interest from the date of Application till realisation.

2 The learned counsel for the Appellant submits that they have already deposited the entire awarded amount with interest in

the MACT at Pune. The statement is accepted. These facts are not denied by the advocate for the Respondent claimant.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4 Hence, the following order:

a The operation and implementation of the impugned judgment and award dated 06.02.2016 passed by the MACT, Pune in MACP No.782/2012 is stayed till hearing and final disposal of the appeal.

b The Respondent Sameer Maruti Potale is entitled to withdraw 1/4th of the compensation amount without furnishing any security, but subject to outcome of the First Appeal.

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 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.

e. Civil application stands disposed off accordingly.

(K.K.TATED, J.)