

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.3719 OF 2017
in
FIRST APPEAL NO.19360 OF 2017**

The New India Assurance Co Ltd .Applicant
vs
Richa Paras Shah & ors .Respondents

Mr.S.M.Dange for Applicant
Ms.Varsha Chavan for Respondent nos.1 & 2

CORAM : K.K.TATED, J
DATE : 25th MARCH, 2019

P.C

Heard learned counsel for the parties.

2. By this Civil Application, the applicant-Insurance company is seeking stay of the operation and implementation of the impugned judgment and award dated 28.2.2017 passed by the M.A.C.T. Mumbai in MACP No.1635 of 2012 holding that the respondents-/claimants are entitled to a compensation of Rs.1,09,3000/- with 9 % interest p.a.

3. Learned counsel for the applicant submits that by this First Appeal they are challenging the judgment and award to the extent of Rs.64,50,000/- with accrued interest only. He further

submits that they have already deposited the amount in the Tribunal. Statement is accepted.

4. On the other hand, Ms.Chavan learned counsel for the respondent/claimants submits that claimant may be permitted to withdraw remaining amount of Rs.44,53,000/- with accrued interest without furnishing any security. She further submits that claimant has filed Civil Application No.3718 of 2017 for withdrawal of the amount. She submits that the said Civil application be heard on its own merits.

5. Considering the submissions made by the learned counsel for the applicant, and averments made in the Civil Application and as the applicants have deposited the amount in the Tribunal and they are challenging the judgment and award to the extent of Rs.64,50,000/- only, following order is passed:

O R D E R

(a) The operation and implementation of the impugned judgment and award dated 28.2.2017 passed by the M.A.C.T. Mumbai in MACP No.1635 of 2012 is stayed to the extent of Rs.64,50,000/- with accrued interest, till the hearing and final disposal of the First Appeal.

(b) The Tribunal is directed to invest the said amount in fixed deposit of any nationalized bank initially for a period of one year and the same to be continued till further orders.

(c) The respondents/original claimants are entitled to withdraw Rs.44,53,000/- with accrued interest as per their share without furnishing any security.

(d) Civil Application No.3718 of 2017 preferred by the respondent/claimants for withdrawal of the amount to be decided on its own merits.

Civil Application stands disposed of accordingly. No order as to costs.

{K.K.TATED, J}