

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.342 OF 2019
IN
FIRST APPEAL (ST) NO.22402 OF 2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.Rahul Mehta i/b M/s.KMC Legal Venture
for the applicant

**CORAM : K. K. TATED, J
DATE : JULY 26, 2019**

P.C.:

. Not on board. At the request of Advocate for the Applicant, matter is taken on production board for urgent orders.

2 Heard.

3 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the judgment and award dated 21.12.2017 passed by MACT, Kolhapur in MACP No.95 of 2014 holding that

Respondent original Claimants are entitled sum of Rs.17,86,000/- by way of compensation with interest @ 9% p.a. from the date of filing of application till realization of entire amount.

4 The learned counsel for the Applicant submits that he received instruction from his client that they are ready and willing to deposit entire awarded amount in the Tribunal within four weeks from today. Statement is accepted. He further submits that in the interest of Justice, this Hon'ble court be pleased to stay the operation and implementation of impugned judgment and award till the hearing and final disposal of First Appeal. If entire amount is withdrawn by the Claimant then nothing will survive in the present proceeding.

5 It is to be noted that in an accident which occurred on 5.3.2014 Respondent claimant no.1 lost her husband who was 51 years old. That time he was earning Rs.11,500/- per month.

6 Considering these facts and as there is a delay on the part of Applicant to file present First Appeal in this court, I am satisfied that Respondent may be permitted to withdraw some amount without furnishing any security. Hence, following order is passed

A. Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit entire awarded amount in the Tribunal on or before 23.08.2019, failing which Civil Application shall stand dismissed without referring back to the court. Prayer clause (a) reads thus:

"(a) That this Hon'ble Court be pleased to stay the Effect/Execution/Operation and Implementation of the Judgment and Award dated 21.12.2017 passed in M.A.C.T. Application No.95 of 2014 by A.A.A.Shaikh, MACT, KALYAN @ KALYAN."

B. If amount is deposited within stipulated time as stated hereinabove, Respondent original Claimant, Rekha Devi Dinesh Singh, Master Prasant Dinesh Singh and Master Susant Dinesh Singh are entitled to withdraw jointly 50% amount of compensation with accrued interest as per their share without furnishing any security, but subject to outcome of the First Appeal.

c. Tribunal is directed to invest the remaining amount in fixed deposit of any nationalized bank initially for a period of one year and same to be continued till further

orders.

d. Liberty granted to the Applicant to make appropriate application for withdrawal of further amount, if they so desire, and that to be decided on its own merits.

f. Civil Application stands disposed of accordingly.

e. Registry is directed to transfer the amount of Rs.25,000/- along with accrued interest, if any, deposited by the Applicant at the time of filing First Appeal to the MACT, Kalyan in the account bearing MACP No.95 of 2014.

(K.K.TATED, J.)