

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

**CIVIL APPLICATION (ST)NO.22946/2019
IN
FIRST APPEAL (ST)NO.22940/2019**

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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Advocate Mrs.Deepika Prabhala i/b Res Juris for applicant.

**CORAM : K. K. TATED, J
DATE : AUGUST 16, 2019.**

P.C.:

Not on board. At the request of learned advocate for applicant, matter is taken on production board for urgent orders.

2 Heard learned counsel for applicant.

3. By this civil application, applicant is seeking stay of operation and implementation of judgment and award dated 18/2/2019 passed by MACT, Thane in MACP No.653/2015 holding that claimants are entitled sum of Rs.13,01,000/- by

way of compensation with interest @ 7% pa.

3. Learned counsel for applicant submits that, their liability is to the extent of 60% only. He submits that if entire amount is recovered by respondent, then nothing will survive in present proceeding. She submits that, she received instructions from her client that, they are ready and willing to deposit entire awarded amount of their share in the Tribunal within four weeks. He submits that pending the hearing and final disposal, operation and implementation of impugned judgment and award, be stayed against them.

5. It is to be noted that, in an accident which occurred on 16.11.2015, original claimant lost their daughter Anusha Gowda was studying in 9th Standard, Little Flower High School Thane. Hence, they filed claim petition u/s 166 of Motor Vehicle Act.

6. Considering these fact and as there is delay on the part of applicant to file First Appeal before this Court, I am satisfied that the claimants can be permitted to withdraw some amount during the pendency of present first appeal. Hence, the following order.

A) Operation and implementation of impugned judgment and award dated 18.2.2019 passed by MACT, Thane in MACP No.653/2015 is stayed against applicant on condition that they have to deposit their share of entire compensation within

4 weeks from today, failing which civil application shall stand dismissed without referring back to the Court.

B) If the entire amount is deposited within stipulated time, Respondent/Claimant No.1 Mr.Ravikiran Nanjude Gowda and No.2 Smt.Asha Ravikiran Gowda are permitted to withdraw 25% each of compensation with accrued interest, without furnishing any security but subject to outcome of the first appeal.

C) Tribunal is directed to invest remaining amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

D) Liberty granted to respondents/claimants if they so desire to prefer appropriate application for withdrawal of further amount and that application will be decided on its own merits.

E) Civil application is disposed of.

F) No order as to cost.

(K.K.TATED, J.)