

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3233/2019
in
First Appeal (ST) No.22998/2019

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

Court's or Judge's orders.

Mr. Amit Gharte for the Applicant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 25, 2019

P.C.

1 Pursuant to the praecipe filed by the learned counsel for the Applicant, the matter is taken on production board.

2 By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 14.03.2019 passed by the MACT Solapur in MACP No.8/2015 holding that the Respondent-Claimant is entitled to compensation of Rs.42,467/- with interest @ 9% p.a.

3 The learned counsel for the Applicant submits that the Respondent-Claimant has filed Execution Application for recovery of the entire amount. Next

date in the Execution Application is 18.10.2019. He submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

4 The learned counsel for the Applicant submits that in the present proceedings the Tribunal has erred in coming to the conclusion that the Applicants are liable to pay compensation to the Respondent-Claimant. He submits that the amount awarded by the Tribunal is on higher side. He submits that they have good chance of success in the matter.

5 The learned counsel for the Applicant submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award.

6 In the present proceedings in an accident which occurred on 24.11.2013 the Respondent-Claimant was indoor patient in Gramin Rugnalaya and thereafter shifted to Satara Rugnalaya

where the claimant has taken treatment as indoor patient. He spent near about Rs.20,000/- for medical treatment as per the claim petition.

7 Considering these facts and as there is delay on the part of the Applicant in filing the First Appeal I am of the opinion that the Applicant can be permitted to withdraw some amount.

8 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (a) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 15.10.2019, failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (a) reads thus:

“(a) that this Hon’ble Court be pleased to stay the implementation, operation and execution of the impugned judgment dated 14.03.2019 and award dated 01.04.2019 passed in MACP No.8 of 2015 by Ld. MACT, Solapur.”

b. If amount is deposited within stipulated time as stated hereinabove the Respondent-

Claimant Madhukar Baburao Aagajal is permitted to withdraw Rs.30,000/- with accrued interest without furnishing any security but subject to outcome of the First Appeal.

c. The Tribunal is directed to invest the remaining 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. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)