

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.231/2017

in

First Appeal No.508/2017

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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Mr. A. P. Kulkarni for the Applicant
Mrs. Sachi Lodha I/b. Arpit Solanki for
Respondent Nos.1 and 2.
Mr. Rohan Sonawane I/b. Gaurav Parkar for
Respondent No.3.

CORAM : K.K.TATED.J.
DATED : JUNE 24, 2019

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 01.03.2016 passed by the MACT, Mumbai in application No.2844/2012 holding that the Respondent-Claimants are entitled to Rs.22,83,000/- by way of compensation with interest @ 9% p.a.

2 The learned counsel for the Applicant submits that they have already deposited the entire amount with interest in the Tribunal. The statement is accepted.

3 The learned counsel for the Applicant submits that, if the entire amount is withdrawn by the claimants, then nothing will survive in the present proceedings. He submits that they have good chance of success in the matter. He submits that on the date of accident i.e. 18.07.2010 the deceased Sampatkumar Brijmohan Maroo was of 74 years. He submits that the Trial Court at the time of awarding compensation considered 5 multiplier. He submits that in any case the compensation awarded by the Tribunal is on higher side. He submits that they have good chance of success in the matter. Therefore, the operation and implementation of the impugned judgment and award be stayed till hearing and final disposal of the First Appeal.

4 On the other hand, the learned counsel for the Respondent-Claimant has vehemently opposed the Civil Application. She submits that the Tribunal has awarded compensation on the basis of the documents produced by the claimants. She submits that they have also preferred Civil Application No.131/2019 for withdrawal of the amount.

5 Considering the submissions made by the learned counsel for the Applicant and as the deceased was 74 years old on the date of accident and the Tribunal has awarded compensation of more than Rs.22 lacs, following order is passed:

a. The operation and implementation of the judgment and award dated 01.03.2016 passed by the MACT, Mumbai in application No.2844/2012 is stayed till hearing and final disposal of the First Appeal.

b. The Tribunal is directed to invest the same 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 further orders.

c. Civil Application No.131/2019 will be decided on merits.

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

(K.K.TATED, J.)