

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1658/2016
IN
FIRST APPEAL NO.690/2016

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.D.S.Joshi for appellant.

CORAM : K.K.TATED, J.
DATED : APRIL 26, 2019

P.C.

- 1 Heard learned counsel for applicant.
2. Learned counsel for applicant submits that, by this civil application, applicants are seeking stay of the operation and implementation of order passed by Motor Accident Claim Tribunal, Mumbai dated 24th June 2015 in Motor Accident Claim Petition No.2437/2007. He submits that they already deposited the entire amount in the Tribunal. He

submits that Respondents/ claimants filed Execution Application for recovery of awarded amount and hearing of the same is kept for on 30th April 2019. He submits that if the entire amount is withdrawn by respondents/claimants in execution application, then nothing will survive in the present proceeding. Hence, operation and implementation of impugned Judgment and Award dated 24.6.2015 may be stayed.

3. It is to be noted that in the present proceeding, in an accident which occurred on 24.4.2007, respondent/claimant sustained injury. In that accident, he suffered 74% disability.

4. Considering these facts I am of the opinion that respondent/claimant can be permitted to withdraw some amount during pendency of present proceeding.

5. Hence, following order.

a) Operation and implementation of impugned judgment and award dated 24.6.2015 passed by Motor Accident Claims Tribunal Mumbai in Petition No.2437/2007, is stayed till hearing and final disposal of First Appeal.

b) Respondent/claimant is permitted to withdraw 50% of compensation amount without furnishing any security, but subject to outcome of First Appeal.

c) The 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 renewed from time to time till further orders.

d) Liberty granted to respondent/original claimant to prefer an appropriate

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application for withdrawal of further amount, if he so desire, which will be decided on its own merits

e) Civil Application stands disposed of accordingly.

f) No order as to cost.

(K.K.TATED, J.)