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

**CIVIL APPLICATION NO. 1013 OF 2019
IN
FIRST APPEAL (STAMP) NO. 30459 OF 2017**

New India Assurance Co. Ltd.	.. Applicant
Vs.	
Smt. Usha Narayan Pawar & Ors.	.. Respondents

Ms. Poonam Mittal for the Applicant.

CORAM : K. K. TATED, J.
DATE : 20th MARCH, 2019.

P. C. :

1. Heard learned Counsel Ms. Poonam Mittal for the Applicant.
2. Learned Counsel for the Applicant submits that by this Civil Application, the Applicant-Company is seeking stay of the operation and implementation of the Judgment and Award dated 17.09.2016 passed by Motor Accident Claim Tribunal, Kalyan in Motor Accident Claim Petition No. 232 of 2007 holding that the Respondents-Claimants are entitled for compensation of Rs.19,45,000/- with interest @ 6% p.a. from the date of application till its realisation.
3. Learned Counsel for the Applicant submits that amount is deposited in the Tribunal. She submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and Award. She further submits that, if the stay is not granted and the entire amount is withdrawn by the claimants, nothing

would survive in First Appeal. She submits that they have good chance of success in the present Appeal.

4. In the present proceeding, in accident which took place on 28.07.2007, the original Claimant No.1 lost her husband and Claimant Nos.2, 3, 4 & 5 lost their father. Considering this fact I am of the opinion that Claimant No.1 and Claimant No.6 may be permitted to withdraw some amount at present. Hence, the following order:

(i) Operation and implementation of the impugned Judgment and Award dated 17.09.2016 passed by Motor Accident Claim Tribunal, Kalyan in Motor Accident Claim Petition No. 232 of 2007 is stayed till further orders.

(ii) The Tribunal is directed to invest the amount in a fixed deposit in any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.

(iii) Original Claimant No.1-Smt. Usha Narayan Pawar is entitled to withdraw sum of Rs.3 lakhs with accrued interest without furnishing any security.

(iv) Original Claimant No.6-Mrs. Seetabai Anna Pawar is also entitled to withdraw Rs.1 lakh with accrued interest without furnishing any security.

(v) Liberty granted to the Respondents-original Claimants, if they so desire, to prefer an appropriate application for withdrawal

of further amount, which will be decided on its own merits.

(vi) The Civil Application is disposed of accordingly.

[K. K. TATED, J.]