

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

CIVIL APPLICATION NO.1374 OF 2019

IN

FIRST APPEAL (ST) NO.29896 OF 2018

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.P.N.Narayanan for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 23, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 8.5.2018 passed by learned District Judge, MACT, Pune in MACP No.215 of 2012 holding that Respondent original Claimant are entitled compensation of Rs.13,07,656/- with 6% interest p.a. from the date of petition till realisation.

3 The learned counsel for the Applicant

submits that Respondent filed Execution Application. He submits that if entire amount is recovered by the Respondent Claimant in Execution Application then nothing will survive in the present proceeding. He submits that Applicant has good chance of success in the present proceedings,. He 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 till the hearing and final disposal of the First Appeal.

4 The learned counsel for the Applicant submits that he received instruction from his client that they are ready and willing to deposit entire awarded amount including interest in the Tribunal. Statement is accepted.

5 In the present proceedings, in an accident which occurred on 18.7.2018 original Claimant no.1 lost her husband and Claimant nos.2 and 3 their father. Claimant nos.2 and 3 are taking education. Considering these facts, Claimant can withdraw some amount without furnishing any security but subject to outcome of the First Appeal. Hence, following order is passed:

A) Civil Application is allowed in terms of prayer clause (a) on condition that Applicant

to deposit entire awarded amount along with interest in the Tribunal or before 31.5.2019 failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (a) reads thus:

"(a) Pending the hearing and final disposal of the Appeal, this Hon'ble Court be pleased to stay the operation of the impugned Judgement & Award dated 8th May, 2018, passed by the Hon'ble Member, MACT - Nashik allowing the Claim Petition bearing No.215 of 2012 and directing this Applicant and the Respondent No.4 herein to pay jointly and severally the total amount of Rs.13,07,656/- (Rupees Thirteen Lakhs Seven Thousand Six Hundred Fifty-Six Only) with interest at the rate of 6% p.a. from the date of the application till realisation of the entire amount."

B) If amount is deposited within stipulated time as stated hereinabove, Respondent original Claimant can withdraw a sum of Rs.2 lacs each along with accrued interest without furnishing any security but subject to outcome of the First Appeal.

C) Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same is continued till further orders.

D) Liberty granted to the Claimant to make appropriate Application for withdrawal of further amount and that Application be decided on its own merits.

E) Civil application stands disposed off accordingly.

(K.K.TATED, J.)