

Mr. S.S.Dwivedi, for Appellant/Applicant.
Mr. Jitendra Patil, for Respondent No.2.

DATE: 7th JUNE, 2019

1. Rule.
2. The learned Advocate for Respondent No.2 waives service.
3. The above Civil Application is filed by the Appellant-Insurance Company seeking stay against the execution and implementation of the impugned Award of the Motor Accident Claims Tribunal, Mumbai in M.A.C.P No.282 of 2012 on the condition that the entire amount awarded by the Claims Tribunal is deposited before the said Tribunal within six weeks from today, there shall be stay of execution and implementation of the impugned Award.
4. From the record, we noticed that the claimants are parents of the deceased, who met the fatal accident. The father is aged about 75 years and mother is about 66

years. The widow of the deceased having remarried had not joined as claimant in the Claim Petition filed by the parents of the deceased. She was joined as Respondent No.4. Despite this, the Claims Tribunal has disbursed a sum of Rs.25 Lakhs in her favour.

5. In such facts of the case and particularly looking to the advanced age of both of the claimants and their ailments, the disbursement order out of the amount to be deposited by the Insurance Company is passed as under :

(i) A sum of Rs.25,00,000/- which is ordered to be paid to the wife of the deceased, shall be invested in a fixed deposit of a nationalized bank with cumulative interest initially for a period of five years, to be renewed from time to time till the final disposal of the above First Appeal.

(ii) Out of the remaining amount, 50% shall be released in favour of both the claimants i.e. father and mother of the deceased in equal proportion through account payee cheque after due verification.

(iii) Remaining 50% amount shall be invested in a fixed deposit of a nationalized bank with recurring interest initially for a period of five years, to be renewed from time to time till the disposal of the First Appeal. Original Claimants shall receive periodical interest accrued thereon.

(iv) The Civil Application is accordingly disposed of.

(S.J.KATHAWALLA,J.)

(AKIL KURESHI,J.)