

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

CIVIL APPLICATION NO.1498 OF 2019

IN

FIRST APPEAL NO.448 OF 2019

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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Ms.Deepika Prabhala i/b M/s.Res Juris for the
appellant

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

P.C.:

. Not on board. At the request of Advocate for the Applicant, matter is taken on board for urgent orders.

2 Heard.

3 By this Civil Application, applicant is seeking stay of the judgment and award dated 17.9.2018 passed by MACT, Sangli in MACP No.164 of 2014 holding that Respondent original Claimants are entitled a sum of Rs.13,75,880/- by way of compensation along with interest @ 9% p.a.

4 The learned counsel for the Applicant submits that Respondent original Claimant filed Darkhast No.100016 of 2019 for recovery of entire amount. She submits that, applicant received notice dated 15.4.2019 from the Executing court for attachment of their properties. Hence, there is urgency. She further submits that Applicants are ready and willing to deposit entire awarded amount on or before 31.5.2019. Statement is accepted.

5 In the present proceeding, in an accident which occurred on 25.5.2013, Respondent original Claimant sustained injury. Hence, he filed application under section 166 of the Motor Vehicles act for claiming compensation of Rs.1,42,70,000/-.

6 Considering the reason given by the Trial Court in the impugned judgment and award, I am satisfied that the Respondent Claimant is entitled to withdraw some amount without furnishing any security.

7 Hence, following order is passed :

A. Civil Application is allowed in terms of prayer clause (b) on condition that Applicant to deposit entire awarded amount along with interest in the Tribunal on or before 31.5.2019, failing which Civil Application shall stand dismissed without referring back to the court.

"(b) Pending hearing and final disposal of the first appeal the execution, implementation and operation of judgment and award dated 17.09.2018 passed by Chairman Motor Accident Claims Tribunal, Sangli in MACP 164 of 2014 may kindly be stayed."

B. If amount is deposited within stipulated time as stated hereinabove, Claimant no.1 Bharat Baban Shinde is entitled to withdraw sum of Rs.3 lacs with accrued interest but subject to outcome of the First Appeal.

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

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

E. Civil application stands disposed of accordingly.

(K.K.TATED, J.)