

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

CIVIL APPLICATION NO.1473 OF 2019

IN

FIRST APPEAL (ST) NO.34333 OF 2018

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.Nikhil Mehta i/b M/s.KMC Legal Venture
for the applicant

**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 operation and implementation of the judgment and award dated 18.7.2018 passed by MACT, Pune in MACP No.10 of 2016 holding that Respondent original Claimants are entitled a sum of Rs.39,10,000/- by way of compensation along

with interest @ 7% p.a.

4 The learned counsel for the Applicant submits that Respondent original Claimant filed Execution Application for recovery of entire amount. He submits that they received notice in Darkhast Application No.150 of 2018. He 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 19.11.2014 Claimant no.1 lost her husband. Considering the reason given by Trial Court, I am of the opinion that Claimants are entitled to withdraw some amount without furnishing any security as there is a delay on the part of Insurance Company to file the present First Appeal before this court. Not only that, claimants filed execution application for recovery of amount. 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 on or before 31.5.2019, failing which Civil Application shall stand dismissed without referring back to the court.

"(a) That this Hon'ble Court be pleased to

stay the effect/execution/operation and implementation of the impugned Judgment and Award dated 18.07.2018 passed in M.A.C.T. Application No.10 of 2016 by Shri DILIP MURUMKAR - Additional Member, MACT Pune, @ PUNE."

B. If amount is deposited within stipulated time as stated hereinabove, Claimant no.1, Nita Rohidas Pathare is entitled to withdraw 25% amount and Claimant no.4, Sakhubai Dattatray Pathare 10% amount 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, if they so desire, and that Application be decided on its own merits.

E. Civil application stands disposed of accordingly.

(K.K.TATED, J.)