

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1902/2018
in
First Appeal (ST) No.35989/2017

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

Ms. Shalini Shankar for the Applicant
Ms. Neha Parte for Respondent Nos.1 and 2.

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 6, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 31.03.2017 passed by the MACT, Raigad in MACP No.190/2015 holding that the Respondent-Claimants are entitled to sum of Rs.19,53,376/- with interest @ 7% p.a.

2 The learned counsel for the Applicant submits that they have already deposited the entire awarded amount in the Tribunal. He submits that they have also filed Civil Application No.1901/2018 for condonation of 139

days delay in filing the First Appeal. He submits that it remained on their part to serve Respondent No.3. She submits that they have no objection if 50% of the amount is withdrawn by the Respondent-Claimants during pendency of the First Appeal.

3 Hence, by consent of the parties, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) pending the hearing and final disposal of the present First Appeal, this Hon’ble Court be pleased to stay the effect, implementation and or execution of the impugned judgment and order dated 31.03.2017 passed by the Hon’ble Court of Member, in Motor Accident Claim Petition No.190/2015.”

b. The Respondent-Claimants are entitled to withdraw 50% of the amount along with accrued interest as per their share without furnishing any security but subject to outcome of the First Appeal.

c. The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

d. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits.

e. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)