

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19971 OF 2022
WITH
FIRST APPEAL NO. 1297 OF 2022

United India Insurance Co.Ltd. ...Applicant

Versus

Mrs. Suvarna Jeevan Thakur & Ors. ...Respondents

Mr. Amol Gatne for the Applicant.

CORAM : R.I. CHAGLA J

DATE : 22 November 2022

ORDER :

1. By the present Interim Application, the Applicant is seeking stay of the execution, operation and implementation of the impugned judgment and order/Award dated 27th November 2021 passed by the Member, MACT, Alibag, District Raigad in M.A.C.P No. 186 of 2017, till the final hearing and disposal of the First Appeal.

2. The Applicant/Appellant has challenged the quantum of

compensation awarded by the MACT, since the notional income has been taken on a higher side. He has referred to paragraph 32 of the impugned judgment and order, wherein MACT has observed that both the Advocates had conceded before this Court that there is no documentary evidence on record to show the salary income of said Jeevan, who had expired. Calculation of compensation has been made by the MACT which is in the tabular form at 35 of the impugned judgment and order. This is the main ground of challenge in the First Appeal.

3. Learned Advocate appearing for the Applicant/Appellant has sought stay of the execution, operation and implementation of the impugned judgment and order/Award by stating on instructions that the Applicant/Appellant will deposit the entire amount awarded by the MACT within a period of four weeks from the date of this order. Statement is accepted.

4. In view of the statement made, there shall be relief in terms of prayer clause (a) of the Application, subject to deposit of the amount as above.

5. After depositing the amount, the Applicant shall inform the Respondents-Claimants about the factum of deposit within one month from the date of deposit.
6. Liberty to the Respondents to apply to this Court for withdrawal.
7. Interim Application is accordingly, disposed of in the above terms.
8. Office shall issue notice to the Respondents, returnable on 13th December 2022.

[R.I. CHAGLA J.]