

Prajakta Vartak

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

**INTERIM APPLICATION NO. 8421 OF 2024
IN
FIRST APPEAL NO. 693 OF 2024**

The Managing Director, Pune Mahanagar
Parivahan Mahamandal Ltd.

...Appellant

Versus

Smt. Sujata Dhiren Tiwari & Ors.

...Respondents

Ms. Madhavi Tavanandi for Applicant/Appellant.

Mr. Dnyandeo Shinde for Respondents.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 20 MARCH 2025

P.C.:

1. By this interim application, the applicant/appellant has prayed for grant of stay to the operation, execution and implementation of the award dated 25 January 2024 passed by the Member, Motor Accident Claim Tribunal, Pune in M.A.C.P. No. 135 of 2019.

2. At the outset, we may observe that respondent no.1 is the wife of the deceased, respondent no.2 who is the son of the deceased and is now major and about to pursue graduation degree, respondent no.3 who is minor son

and respondent nos.4 and 5 who are the parents of the deceased Dhiren Tiwari have been granted compensation of an amount of Rs.2,47,75,456/- to be jointly paid by the appellants. The operative portion of the impugned order as passed by the MACT is required to be noted, which reads thus:-

“

ORDER

1] The application is partly allowed with proportionate costs.

2] The opposite party Nos. 1 and 2, do jointly and severally pay Rs. 2,47,75,456/- (Rs. Two Crores Forty Seven Lakhs Seventy-five thousand four hundred and fifty six only) including NFL to the applicants with interest @ 7% p.a. from the date of application till its realization.

3] Opposite party No. 1 and 2 are directed to deposit this amount in the office of this Tribunal in following account -

Account Name	-	Member, Motor Accident Claim Tribunal, Pune.
Account Number	-	41365622240
Name of Bank	-	State Bank of India, Shivaji Nagar Court Branch, Pune
IFSC Code	-	SBIN0061579

4] If the amount is deposited, out of the same Rs. 58,00,000 (Rs. Fifty Eight Lakhs only) be given to the claimant No. 1 Sujata Dhiren Tiwari through cross cheque on her due identity and Rs. 13,00,000/- (Rs. Thirteen Lakhs only) each be given to the claimant No.4 Shivprasad Shriram Tiwari and claimant No. 5 Mrs. Usha Shivprasad Tiwari on their due identity through cross cheques.

5] Remaining amount be invested in the name of the claimants as follows in any nationalized bank of their choice in Fixed Deposit receipt.

Claimant No. 1 Sujata Tiwari	25%	For 5 years.
Claimant No. 2 Mohit Tiwari	25%	Till attainment of his majority through his next friend Claimant No.1

Claimant No. 3 Rohit Tiwari	25%	Till attainment of his majority through his next friend Claimant No.1
Claimant No. 4 Shivprasad	12.5%	For 5 years
Claimant No. 5 Usha	12.5%	For 5 years

6] The claimants would be at liberty to claim quarterly interests on these investments.”

3. We find from the record that the co-ordinate Bench of this Court while issuing notice on the present applicant by an order dated 03 April 2024 in First Appeal No. 8646 of 2024, had directed the applicant/appellant to deposit an amount of Rs.1 Crore to the MACT, Pune within a period of eight weeks from the date of the said order as a condition for stay to the impugned award. Ms. Tavanandi, learned counsel for the appellant/applicant has stated that in compliance of the said order passed by the coordinate Bench of this Court, amount of Rs.1 Crore has been deposited on 23 April 2024.

4. It is on the aforesaid premise, the proceedings are before us.

5. We have heard learned counsel for the parties. With the assistance of the learned counsel for the parties, we have perused the impugned order and the record.

6. In our opinion, considering the facts of the case, it is appropriate that the appellant/applicant deposits the balance of the award amount with the Registry of the MACT, Pune along with accrued interest as directed on the entire amount of compensation as awarded i.e. Rs.2,47,75,456/- within a period of eight weeks from today. Subject to such deposit, execution of the impugned award shall remain stayed.

7. Interim application stands disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]