

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 10680 of 2014
(In First Appeal Stamp No. 25646 / 2014)

Sow. Sundrabai w/o. Rajendra Jaybhave,
Age : 43 years,
Occupation : Household,
R/o. Wamanbhau Nagar, Pathardi,
Taluka : Pathardi,
District : Ahmednagar.

.. Applicant / Appellant
(Original respondent no.1)

versus

Smt. Chaya w/o. Vishwas Sasane,
Age : 33 years,
Occupation : Household,
R/o. Sirsathwadi,
Taluka : Pathardi,
District : Ahmednagar,
5 others.

.. Non-applicants
(Nos.1 to 5 - Original
petitioners
&
No.6 - Original respondent
no.2)

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Mr. M.R. Khutwad, Advocate, for applicant.

*Mr. R.B. Dhakne, Advocate, for non-applicant
nos.1 to 3 and 5.*

*Mr. S.G. Chapalgaonkar, Advocate, for non-applicant
no.6.*

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CORAM : A.M. BADAR, J.

DATE : 2ND DECEMBER 2015

PER COURT :

1. Heard the learned Counsel for respective parties.
2. The learned Counsel appearing for the applicant / original appellant prays for stay to the effect and operation of the impugned judgment and award passed in M.A.C.P. No. 466 of 2006.
3. The learned Counsel appearing for non-applicants / original claimants seriously object for course of action suggested by the learned Counsel for the applicant. According to the learned Counsel appearing for the applicant, in some other First Appeal, this Court has stayed the impugned judgment and award by directing the present applicant to deposit 50 % amount under the award. The learned Counsel appearing for non-applicants / original claimants submits that the impugned award is a money decree and as such cannot be stayed.
4. Upon hearing rival submissions, it needs to be noted that the claim before the Tribunal was regarding compensation on account of death of Vishwas Bhaskar Sasane occurred in the vehicular accident. Respondent no.1 - present applicant is owner of the vehicle involved in the accident. The compensation was awarded as per the scheme of social welfare legislation. As such, merely because in some other matter the award is stayed on condition of depositing 50 % amount, it cannot be stayed in said manner in the instant application.
5. Hence, I pass the following order :-

The impugned judgment and award is stayed on condition that the entire amount under the award shall be deposited by the applicant, before this Court, within a period of four weeks from today. On failure to deposit the amount under the award, stay shall stand automatically vacated.

6. The Civil Application is disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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