

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

CIVIL APPLICATION NO.2341/2015
IN
FIRST APPEAL (ST) NO.16298/2013

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

Ms. Varsha Chavan for the Applicant

CORAM : K. K. TATED, J.

DATE : JULY 15, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.

2. This Application is preferred by the Insurance Co. for modification of the order dated 10/07/2015 passed by this court in Civil Application No.2310/2015 (for stay).

3. The learned counsel for the Applicant submits that after order dated 10/07/2015 was passed by this court, she contacted the concerned Officer and informed about the same. At that time, she was informed that the Applicant has not deposited the decretal amount in the Trial Court.

Hence, the Applicant has moved this Application for modification of the order dated 10/07/2015 in Civil Application No.2310/2015(for stay) to that effect.

4. The learned counsel for the Applicant submits that by mistake, she has made a statement before this court on 10/07/2015 that the Insurance Co. has deposited the entire decretal amount. She further submits that Insurance Co. is ready to deposit the awarded amount in the Tribunal within three weeks. She submits that in the interest of justice, this Hon'ble Court be pleased to modify/substitute paragraph 3 and 4 of the order dated 10/07/2015.

5. Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed by the Applicant in Civil Application, I am satisfied that the Applicant has made out a case for modification of the order dated 10/07/2015.

6. Hence, following order is passed:

a. Paragraph 3 of the order dated 10/07/2015 in Civil Application No.2310/2015 (for stay) be substituted as follows :

“3. The learned counsel for the Applicant submits that she received instructions from

the Insurance Co. that they are ready and willing to deposit the entire awarded amount in the Tribunal within 3 weeks from today. Statement is accepted.”

b. On page 2, paragraph 4, line 5, the word “**withdrawn**” be substituted with “**recovered**”.

c. On page No.3, after paragraph 7(a), following paragraph be added as 7(aa);

“7(aa) The Applicant to deposit the entire awarded amount along with interest, costs, if any, in the Tribunal within 3 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.”

d. Order dated 10/07/2015 be read accordingly. Rest of the order shall remain as it is.

JUDGE