

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2367 OF 2015
IN
WRIT PETITION NO. 11277 OF 2014

Apollo Munich Health Insurance Co. Ltd.	..	Applicant
<u>In the matter between :</u>		
Apollo Munich Health Insurance Co. Ltd.	..	Petitioner
vs.		
Mrs. Tejinder Kaur Sethi & Anr.	..	Respondents

Mr. P. S. Dani – Senior Advocate with Mr. Sachin Mandlik, Mr. Pranav Sampat i/b. Khaitan & Co. for Applicant / Petitioner.
Mr. P. D. Paradkar for Respondent No. 1.
Mr. A. R. Metkari – AGP for Respondent No. 2.

CORAM : M. S. SONAK, J.
DATE : 27 AUGUST 2015

P.C. :-

1] The civil application is in fact in the nature of a review. That apart, the reasons for seeking a recall of the order dated 13 July 2015, as set out in the civil application are far from convincing. In this case, the order impugned, had directed the petitioner to deposit compensation at the rate of Rs.5,00,000/- per month till the date of handing over possession. Since the statement is made that possession has been handed over on 30 September 2014, this Court while admitting the petition and granting interim stay, has directed, the petitioner to deposit in this Court sum of Rs.5,00,000/- (Rupees Five Lakhs) per month for the period between December 2013 to September 2014 which comes to Rs.50,00,000/-. This is a

routine order made in case where stay is applied for to the execution of a money decree. No circumstance have been demonstrated as to why such rule should not be made applicable in the present case or that it should be departed by.

2] On the aspect of bank guarantee, it is to be noted that the petitioner, has itself pointed out that the petitioner accumulated losses to the tune of INR 351 crores as on 30 June 2015. If this be the position, the learned counsel for the respondents is right that a bank guarantee may not be accepted, as the same might lead to further complications, in case any adverse orders are made against the petitioner company.

3] Accordingly, there is no merit in this civil application and the same is dismissed.

4] At this stage, the learned Senior Advocate appearing for the petitioner seeks extension of time to deposit the amount of Rs.50,00,000/- (Rupees Fifty Lakhs), which in terms of the order of this Court is required to be deposited on or before 2 September 2015. Accordingly, time is extended upto 15 September 2015.