

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 12144 OF 2016
IN FAST/190/2016 WITH CA/584/2016 IN
FAST/190/2016

THE NEW INDIA ASSURANCE CO. LTD.
VERSUS
BHAMABAI BABURAO WACHAWED AND ANR

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Advocate for Applicant : Mr. Ambhore M.M.;
Mr. SN Rodge, Adv. For Resp.No.1.
...

CORAM : P.R.BORA, J.

DATE : 31st August, 2016.

PER COURT :

1) Heard. Learned Counsel appearing for the applicant insurance company submits that on 19th January, 2016, a conditional order was passed by this Court (Coram: T.V.Nalavade,J.), staying the execution of the Award impugned in the present appeal subject to deposit of the entire amount under the Award by the Insurance company within a period of six weeks from the date of that order.

2) The learned Counsel further submits that

since the Insurance company could not deposit the amount of compensation within the stipulated period of six weeks, the conditional stay so granted by the Court, vide the aforesaid order, stood automatically vacated. The learned Counsel submits that now he is in receipt of the Cheque for the entire amount of compensation. The learned Counsel submits that since the period to deposit the amount is over, the Registry will not accept the cheque unless ordered by this Court. The learned Counsel has, therefore, prayed for directions to the Registry to accept the aforesaid cheque and has further prayed for staying the effect and operation of the impugned Award and/or to revive the order passed by this Court on 19th January, 2016, staying stay to the impugned Award.

3) The learned Counsel appearing for the original claimant does not have any objection for passing such order. Hence, the following order,

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ORDER

i) The delay caused in depositing the amount of compensation is condoned;

ii) The appellant/applicant is permitted to deposit the amount of compensation within a period of one week from the date of this order;

iii) In view of the fact that the amount of compensation is being deposited, the execution of the impugned Award shall stand stayed till decision of the present Appeal.

iv) The Civil Applications stand disposed of.

(P. R. BORA)
JUDGE

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