

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9934 OF 2016
WITH
CIVIL APPLICATION NO. 9935 OF 2016
IN
FIRST APPEAL (ST) NO. 21402 OF 2016

NEW INDIA INSURANCE CO. LTD.
VERSUS
ASMITA PRASHANT GAIKWAD AND OTHERS

.....
Advocate for the applicant: Mr. S. G. Chapalgaonkar
Advocate for respondent Nos. 1 to 3: Mr. P.S. Chavan
.....

CORAM : V. K. JADHAV, J.
DATED : 14th JULY, 2016

PER COURT:-

1. Heard.
2. Notice to the respondents, returnable on 25.08.2016.
3. Mr. Chavan, learned counsel, waives notice for respondent Nos. 1 to 3.
4. Learned counsel for the applicant submits that applicant insurer has already deposited entire amount under award. Learned counsel for the respondents-claimants has conceded the said position. In the light of above, till disposal of first appeal, there shall be stay to the effect, implementation and execution of the judgment

and award impugned in the first appeal. Civil application for stay is disposed of.

5. Considering the challenge to the judgment and award passed by the learned Member, M.A.C.T. Osmanabad, claimant No.1 Asmita Prashant Gaikwad, is permitted to withdraw the amount falling to her share as per the apportionment made by the Tribunal, by furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. The remaining amount shall be kept in fixed deposit, in equal shares, in the names of minor claimant Nos. 2 and 3, in any Nationalized Bank till disposal of the appeal.

(V. K. JADHAV, J.)

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