

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Amk

**CIVIL APPLICATION NO. 4252 OF 2016
IN
FIRST APPEAL (STAMP) NO. 22733 OF 2016**

Shri Rajesh Gopinath Gauri	.. Appellant/Applicant
Vs.	
Smt. Manda Hari Pawar & Ors.	.. Respondents

Mr. Nitesh V. Bhutekar for the Appellant/Applicant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 29th SEPTEMBER, 2016.

P. C. :

1. Heard learned counsel for the applicant.
2. It is submitted by the learned counsel for the applicant that the Insurance Company in this case has filed the Execution Proceedings against the applicant on the basis of the impugned Judgment and Award dated 14.11.2014 passed by the M.A.C.T., Mangaon, Raigad in M.A.C.P. No. 140 of 2009. It is urged that as per the order passed in the said Award, the Insurance Company i.e. respondent No.2 was directed to pay the claimants Rs.9,41,800/- with interest at the rate of Rs.7.5% per annum from the date of filing of the petition till the realization of the amount. As per clause 6 of the Award, respondent No.2-Insurance Company can recover the said amount of compensation and interest from the present applicant. It is urged that, respondent No.2-Insurance Company after depositing the entire amount of compensation as awarded by the Trial

Court, has now filed the Execution Proceedings against the applicant to recover the said amount. Learned counsel for the applicant seeks stay to the Execution Proceeding and also undertakes to deposit the entire amount in the Tribunal in the Execution Proceedings within eight weeks from today. Subject, therefore, to this condition of depositing the entire amount of compensation in the Tribunal within eight weeks from today, the stay is granted to the Execution Proceedings initiated against the applicant by the Insurance Company.

3. On the amount being deposited, the Tribunal is directed to invest the same in any Nationalized Bank, initially for a period of two years, to be renewed from time to time, till disposal of the First Appeal.

4. On failure of the applicant to deposit the said amount within the stipulated time, the stay granted by this Court shall automatically stand vacated, without further reference to the Court.

5. The Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]