

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO. 163 OF 2017
IN FAST/33605/2016 WITH CA/15355/2016 IN FAST/33605/2016 WITH
CA/15370/2016 IN FAST/33605/2016

VISHWANATH AMBADAS TELE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND ANR

...

Advocate for Applicant : Mr. Apparao Yenegure
Adv. for Respondents: Mr. S.A. Wakure

CORAM : K.K. SONAWANE, J.

DATE : 8th August, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned counsel for the respondent.

2] Perused the application. Admittedly, the Motor Accidents Claim Tribunal has granted Rs. 75,000/- as compensation to the respondent in the year 2003. The appellant, after colossal period, has filed the present application in the year 2016. The record demonstrates that the appellant has deposited Rs. 25,000/- as statutory deposit amount, required to be deposited prior to filing of appeal. This Court granted stay under order dated 30th November, 2016 in C.A. No. 15355 of 2016. Learned counsel for the appellant raised objection for withdrawal of the amount deposited by the appellant as a statutory deposit for filing the appeal.

3] As observed supra, the impugned award is passed in the year 2003 and since then, the learned Tribunal has imposed liability on the present appellant for payment of compensation. Despite the same, there was no progress for execution or satisfaction of the award since the year

2003. The appellant preferred the appeal in the year 2016 and obtained stay due to which respondent could not execute the award by taking recourse of law. In such circumstances, I do not find any impediment to allow the application for withdrawal of amount of Rs. 25,000/- deposited by the appellant in this court. It would be unjust and improper not to allow the respondent to withdraw the amount deposited by the appellant in this court, as the impugned award is passed in the year 2003 and he is deprived of the fruits of the award passed in his favour. In this view of the matter, the application is hereby permitted to withdraw the amount of Rs.25,000/- deposited by the appellant in this court. Registry to disburse the amount to the applicant on his proper identification and a per rules. Civil application stands disposed.

4] The application for condonation of delay be listed for hearing on 28th August, 2017.

[K.K. SONAWANE]
JUDGE.

grt/-