

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

2 CIVIL APPLICATION NO. 10209 OF 2012
IN FA/1603/2012

ICICI GENERAL INSURANCE COMPANY LIMITED MUMBAI
VERSUS
RAJU KASHINATH RUPEKAR AND ORS

...
Advocate for Applicant : Mr. Swapnil S. Patil.
Adv.for Respondent No.1 to 3 : Mr.S.S.Shaikh h/f. Mr. S. S. Kazi.
Advocate for Respondent No.6 : Mr. M. D. Narwadkar.
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CORAM : K.K. SONAWANE, J.

DATED : 22ND AUGUST, 2017.

Order :-

Heard learned counsel for the applicant and the learned counsel for the claimants-original respondents No.1 to 3.

2. Despite service of notice, none appears for the respondents No. 5 and 6. The application is dismissed against respondent No.4.

3. The applicant-appellant prayed for stay to the interim Judgment and Award passed in M.A.C.P.No. 61 of 2009 by the learned M.A.C.T. Aurangabad dated 12 January 2011. It is to be noted that in the operative part of the impugned Award, the learned Tribunal has specifically directed to the appellant Insurance Company to pay the amount first with interest accrued thereon, and thereafter, it would be disbursed to the

respondents-original claimants. It reveals that, the appellant did not deposit any amount of compensation awarded by the learned Tribunal. In such circumstances, I do not find any impediment to grant stay subject to condition on depositing compensation amount as awarded by the Tribunal. Hence, operation of the impugned Order and Award passed by the learned Tribunal in M.A.C.P. No. 61 of 2009 is hereby stayed subject to condition that the appellant Insurance company shall deposit entire compensation amount with interest as awarded by the learned Tribunal, in this Court within four weeks from today. Accordingly, stay application stands disposed of.

Sd./-

[K. K. SONAWANE]
JUDGE

RRD .