

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.3396 OF 2016
IN
FIRST APPEAL (STAMP) NO.19036 OF 2016
WITH
CIVIL APPLICATION NO.3397 OF 2016
IN
FIRST APPEAL (STAMP) NO.19036 OF 2016**

United India Insurance Co. Ltd. ...Applicant/Appellant

vs.

Mr. Nagnath Rohidas Sanmole And Anr. ...Respondents

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Mr. Amol Gatne, for the Applicant.

Mr. R.S. Alange, for Respondent No.1.

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CORAM : S.C. GUPTE, J.

DATED : 2 MAY 2017

P.C. :

. Heard learned Counsel for the parties.

2. Civil Application No.3396 of 2016 is for condonation of a delay of 133 days in filing the First Appeal. For the reasons stated in the Civil Application, the same is allowed by condoning the delay. Office shall now number the First Appeal and place the same for admission in due course.

3. Civil Application No.3397 of 2016 is for stay of execution of the impugned award of MACT, Solapur. The award grants a total

compensation of Rs.22,45,000/-, with interest. The total compensation of about Rs.25.27 lakhs is deposited by the Applicant/Appellant before MACT, Solapur towards the award. Learned Counsel for the Applicant/Appellant seeks stay of execution of the impugned award against this deposit. It is apparent from the grounds of appeal set out by the Applicant/Appellant in its memo that even if the grounds of challenge are accepted in toto, there is no challenge to the compensation of about Rs.9.64 lakhs, together with interest. In the premises, whilst the impugned award can be stayed for the time being till the First Appeal is taken up for admission, it is in the interest of justice to allow Respondent No.1 (Original Applicant) to withdraw a sum of Rs.10 lakhs from out of the deposit made by the Appellant in the Trial Court.

4. In the premises, till the First Appeal is heard for admission, there will be stay of execution of the impugned award of MACT, Solapur. Respondent No.1 will be at liberty to withdraw a sum of Rs.10 lakhs from out of the deposit made by the Applicant/Appellant before MACT, Solapur, without any security. Civil Application to come up for orders along with the First Appeal, whenever the First Appeal is placed for admission. The amount of Rs.25,000/- deposited by the Appellant as a pre-condition of the appeal in this Court shall be transferred to MACT, Solapur. After payment of Rs.10 lakhs, the remaining amount shall be invested by the Registrar of MACT Solapur in a fixed deposit of a nationalized bank, initially for a period of one year and to be renewed from time to time, till the disposal of the appeal.

(S.C. GUPTE, J.)