

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

60 CIVIL APPLICATION NO. 4853 OF 2018
IN FAST/766/2018

KADAR DAUDKHAN PATHAN
VERSUS
RANDHIR JANARDHAN FULSE AND ANR

Advocate for Applicant : Mr. Sudhir K. Chavan
Advocate for Respondent No. 1 : Mr. F.K. Patel

CORAM : K.K. SONAWANE, J.

DATED : 2nd JULY, 2018.

Order :-

1. Heard learned counsel for the applicant and learned counsel for respondent-original claimant. No one else appeared on behalf of respondent No. 2.
2. Learned counsel for applicant-appellant submits that offending vehicle at the relevant time was in possession of respondent No. 1 – Tajoddin (in MACP No. 206 of 2010)/respondent No.2-herein, who was driving the vehicle during the course of mishap. The appellant was registered owner, but he has already alienated the vehicle in favour of respondent No. 1-Tajoddin, therefore, monetary liability can be shifted on respondent -Tajoddin.
3. Learned counsel for the applicant submits that in view of nature of the subject matter, the applicant is ready to deposit 50% of the amount awarded by the Tribunal payable to the claimant. The applicant has already deposited amount of Rs.1,66,000/- before the Executing Court and he is ready to deposit remaining balance amount of Rs. 80,000/-. Therefore, he prayed to stay the execution and implementation of the impugned judgment and award to the extent of his 50% share for payment of compensation amount, as awarded by the Tribunal.

4. In view of submission, there is no impediment to grant stay to the execution and implementation of the award passed by the Tribunal to the extent of present applicant-appellant subject to condition that applicant shall deposit rest of the balance amount of Rs. 80,000/- in the Executing Court within a period of two weeks from the date of this order.

5. Accordingly, there shall be stay to the execution and implementation of the impugned award passed by the Tribunal to the extent of 50% share of the present applicant in total decretal amount subject to condition that applicant-appellant shall deposit rest of the balance amount of Rs. 80,000/- in the Executing Court within a period of two weeks from the date of this order. Failure to which, stay granted by this Court shall stand dismissed automatically without further reference to the Court and complainant is at liberty to execute the award for recovery of compensation amount within ambit of law.

6. Accordingly, civil application stands disposed of.

7. It is to be noted that stay is granted only to the extent of recovery of 50% of the compensation amount payable by present applicant.

[K. K. SONAWANE]
JUDGE

MTK.