

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO. 880 OF 2018
IN FA/2150/2008

NEW INDIA ASSURANCE CO LTD, THR ITS AUTHORIZED SIGNATORY
AURANGABAD
VERSUS
SUSHILABAI NATHA SONTAKKE AND ORS

...

Advocate for Applicant : Mr.Mohit R.Deshmukh
Adv. for Respondent Nos. 1 to 3 : Mr. P.R. Katneshwarkar
Adv. for respondent No.4 : Mr. Prasad Jarare h/f. Mr. S.S. Thombre.

CORAM : K.K. SONAWANE, J.

DATE : 19th January, 2018.

PER COURT:

1] Heard learned counsel for respondents original claimants. Learned Counsel Shri Deshmukh for the Insurance company submits that earlier, the learned counsel Shri S.L. Kulkarni caused his appearance on behalf of Insurance company in the matter. Pending the appeal, Mr. S.L. Kulkarni, Advocate passed away and the applicant Insurance company assigned the matter to him. Accordingly, he appeared in the matter on behalf of the Insurance Company and submits that the appellant Insurance Company is ready to deposit the entire decretal amount with interest accrued thereon. He, therefore, requested for grant of stay to the impugned judgment and award.

2] The learned counsel for the respondents/claimants submits that the Insurance company be allowed to deposit the amount in these appeals.

He raised objection for stay to the execution petition is already pending before the Tribunal.

3] In view of aforesaid submissions, I find that the appellant insurance company be allowed to deposit the entire decretal amount in this court. Definitely, it would sub-serve the purpose. The claimant has already filed Execution petition before the Tribunal. In such circumstances, there is no impediment to grant stay to the execution and implementation of the impugned award on certain terms and conditions.

4] Accordingly, the application stands allowed. The impugned judgment and award passed by the Tribunal in MACP No. 52/2006 is hereby stayed subject to condition that the applicant Insurance Company shall deposit the entire decretal amount with interest accrued thereon, in this court within a period of two weeks, failure to which the stay granted by this court shall stand automatically vacated without further reference to this court and the claimants will be at liberty to proceed further with execution petition already pending before the Tribunal. Parties to act upon the authenticated copy of this order.

[K.K. SONAWANE]
JUDGE.

grt/-