

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO. 10040 OF 2017
IN FAST/16842/2017

ASHRU NARAYAN CHATE
VERSUS
GAUTAMI LIMBAHI UJAGARE AND ORS

...
Advocate for Applicant : Mr. Ashok D. Raut
Adv. for Respondent No.3 : Mr. A.S. Usmanpurkar

. . .

CORAM : K.K. SONAWANE, J.

DATE : 2ND JULY, 2018.

PER COURT:

Heard the learned counsel for the applicant/appellant and learned counsel for respondent No.3 Insurance company. No one appeared on behalf of respondent Nos. 1 and 2.

Perused the application, the learned Tribunal has imposed liability for payment of compensation within two months from the appellant and insurance company. It has also been stipulated that in case compensation amount is not paid within two months the respondent Insurance company shall pay the same to the claimant and recover the same from the respondent Nos. 1 and 3.

Record demonstrates that the learned Tribunal passed the impugned judgment and award in the month of January, 2017. In such circumstances, two months period granted to the appellant and respondent No.2 has already been lapsed. Therefore, it would be obligatory for the respondent/Insurance company to pay the amount of compensation and then get it recovered from the appellant and respondent No.2 - owner of the offending vehicle in this first appeal.

In such circumstances, there is no propriety to grant stay in favour of the appellant which would preclude the claimants for recovery of the amount of compensation. Hence, stay petition being devoid of merit, stands dismissed.

[K.K.SONAWANE, J]

grt/-