

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

**939 CIVIL APPLICATION NO.10832/2018  
IN FA/2369/2018**

NATIONAL INSURANCE CO. LTD., THR ITS AUTHORIZED  
SIGNATORY, AURANGABAD  
VERSUS  
SANTOSH BANSI KUDALE AND ANR

...  
Advocate for Appellant : Shri A.B.Kadethankar  
Advocate for Respondent No.1 : Shri R.B.Shingare h/f.  
Shri V.P.Latange  
...

**CORAM : P.R.BORA, J.**

**DATE: 28<sup>th</sup> August, 2018**

**PER COURT:-**

- 1 Issue notice to the respondents.
- 2 Learned Counsel Shri R.B.Shingare waives notice for respondent No.1 i.e. Original claimant.
- 3 Shri A.B.Kadethankar, learned Counsel submits that the learned Tribunal arbitrarily awarded unreasonable amount of compensation in the injury claim. The learned Counsel submitted that though, proved income of the claimant is around Rs.8,000/- p.m., while determining the amount of compensation, the Tribunal has held income of the claimant to the tune of Rs.35,000/- p.m., which has resulted in passing of award of such an excessive amount. Learned Counsel submitted that there are certain other apparent mistakes committed by the Tribunal.
- 4 In the circumstances, the learned Counsel prayed for

staying execution of the impugned award till decision of the present appeal.

5 Shri R.B.Shingare, learned Counsel for the original claimant has opposed for granting any stay to the execution of the impugned award. The learned Counsel submitted that the Tribunal has considered all the aspects and based on the evidence has passed the award.

6 I have duly considered the submissions made by the learned Counsel appearing for the parties. I have perused the impugned Judgment. On perusal of the impugned Judgment and award and grounds of objection raised in exception to the said Judgment, prima-facie, there appears substance in the contentions raised by the appellant Insurance Company, which requires scrutiny by this Court. In the circumstances, the following order is passed:-

### **ORDER**

I) The execution of the award impugned in the present appeal shall stand stayed subject to deposit of a sum of Rs.30,00,000/- by the appellant Insurance Company in this Court, within a period of eight weeks from the date of this order.

II) Civil application stands disposed of.

**(P.R.BORA)**  
**JUDGE**

SPT