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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATION NO.15353/2017
IN
FIRST APPEAL (ST) NO.26605/2017**

Sunita Ramanand Sable & others.
...Applicants..

Versus

United India Insurance Company
Ltd., through its authorized
signatory, Aurangabad & others.
...Respondents...

.....

Shri Dnyaneshwar J. Patil, Advocate for applicants.
Shri S.G. Chapalgaonkar, Advocate for respondent no.1.
Shri S.V. Gundre, Advocate for respondent nos.3 & 4.

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CORAM: M.S. SONAK, J.

DATE: 17.01.2018

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] The impugned award has already made a direction that an amount of Rs.4,00,000/- in all is required to be deposited in the name of the claimants and further they are entitled to receive the interest that accrues on the said amount quarterly. Therefore, even though the execution of the impugned award is already stayed, it is

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directed that the claimants be paid the interest on the amount of Rs.4,00,000/- on quarterly basis.

3] In addition to the aforesaid, the claimants are further permitted to withdraw an additional amount of Rs.1,00,000/-.

4] The aforesaid withdrawal shall be subject to the applicant - claimant no.1 - Sunita Ramanand Sable filing an undertaking to the effect that such withdrawal shall be subject to the final orders in this appeal.

5] It is clarified that the stay granted to the execution of the award is restricted only to the appellant - insurance company and, therefore, the claimants shall be entitled to execute the award against the owner / driver. In the course of execution proceedings, the executing Court to take note of the amounts already withdrawn by the applicants.

6] Civil application is disposed of accordingly.

(M.S. SONAK, J.)