

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2720 OF 2018
IN
FIRST APPEAL STAMP NO. 18493 OF 2016**

Dayashankar Vikram Prajapati ... Applicant
In the matter of

The United Insurance Co. Ltd. ... Appellant
Versus

Dayashankar Vikram Prajapati ... Respondent

.....

Mr. A. M. Gokhale for Applicant.

Mr. Nikhil Mehta i/b K.M.C. Legal Venture for Respondent-
insurance company.

.....

CORAM : K. K. SONAWANE, J.

DATE : 8th AUGUST, 2018.

P. C.:

1. Learned Counsel for the applicant-original claimant submits that the respondent-insurance company did not deposit the entire amount and therefore, directions be issued to respondent-insurance company to deposit remaining deficit amount before the learned Tribunal. It is to be noted that the appellant-respondent approached to this Court agitating the validity and propriety of the impugned order passed by the learned Tribunal. In case,

the claimant intending to seek direction to deposit the amount by the appellant-insurance company, the remedy is available to the applicant-claimant to approach to the executing Court for recovery of amount. In such circumstances, present application is not sustainable for further directions to the appellant-insurance company to deposit the remaining balance amount of compensation before the Tribunal. Hence, application being inept liable to be rejected.

2. Accordingly, application stands dismissed. No order as to costs.

Shridhar
Marutirao
Sutar

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(K. K. SONAWANE, J.)