

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

961 CIVIL APPLICATION NO. 4754 OF 2019
IN
FIRST APPEAL NO. 1187 OF 2019

M.S.R.T.C., THRU ITS DIV. CONTROLLER, AURANGABAD
VERSUS
LALITA ANIL KUMAR PANDE AND ANR

....
Advocate for Appellant : Ms. Ranjana D. Reddy
....

CORAM : V.L. ACHLIYA, J.

DATED : 05th APRIL, 2019

PER COURT:-

1. Heard.
2. The applicant has moved this application seeking stay to the judgment and award, which is impugned by way of appeal filed by the applicant - appellant.
3. In brief, it is the contention of the learned counsel for the applicant that as two vehicles were involved in the accident, the liability ought to have been apportioned in the ratio of 50% each. It is further submitted that the deceased was not holding the valid licence to drive the car. Due to sole negligence on the part of deceased the accident has taken place and therefore the insurance company is not liable to pay the compensation. In this background, the learned counsel for the applicant urged to stay the execution of the impugned award on deposit of amount to the extent of 50% of the amount awarded by the Claims Tribunal.
4. Considering the submissions advanced in the light of reasons and findings recorded by the Claims Tribunal and the

application seeking claim was filed under Section 163-A of Motor Vehicles Act, 1988, I am of the view the applicant deserves to deposit the amount in terms of award. So far as the liability of the applicant – appellant is concerned, same can be considered at the time of seeking withdrawal of the amount.

5. Accordingly, the application is allowed in terms of prayer clause 'B' subject to deposit of entire amount in terms of award within six weeks from the date of this order. Failure to deposit the amount within the stipulated period, the interim stay granted shall stand vacated without further reference to the Court.

6. The applications are disposed of in above terms.

(V.L. ACHLIYA)
JUDGE

SPR