

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1040 CIVIL APPLICATION NO.6754 OF 2019
IN FA/295/2018

ANKIT SAHEBRAO PATIL
VERSUS
RUKHIYABEE MAJAHIDKAHN ANDORS

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Advocate for Applicant : Mr. Patil Sudhir D. And Dr. Alpalata Patil
Advocate for Respondents No.1 to 7 : Mr. P. C. Mayure
Advocate for Respondent No.8 : Mr. A. G. Dalal.

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 14-06-2019.

PER COURT :

1. Heard both sides.
2. This Court by order dated 05-01-2018 had directed the present applicant to deposit some of Rs.1,50,000/- within a period of eight weeks and on that condition the ad-interim relief was granted. However, the present applicant did not deposit that amount within the said stipulated period.
3. In fact in the said order itself it was mentioned that, if no amount is deposited within the said period, the ad-interim relief shall stand vacated without further reference to the Court. Under those circumstances it appears that, the execution proceeding went on and it is stated that now the applicant has received notice by the Member Motor Accident Claim Tribunal, Jalna under Order 21 Rule 37 of Code of Civil Procedure. Now the applicant intends to deposit the said amount

of Rs.1,50,000/-.

4. In any case the applicant is liable to pay the said amount as on today, and therefore, there is no hurdle to allow the applicant to deposit the said amount. In fact by allowing him to deposit the said amount, it would be in the interest of the original claimants, therefore, time to deposit the said amount is hereby extended. However, as regards prayer Clause "C" is concerned, whereby the applicant is seeking stay to the award passed against him, further condition deserves to be put. Under such circumstance when the appellant in First Appeal No.296 of 2018 has already deposited certain amount, it would be in the interest to ask the present applicant to deposit an amount of Rs.50,000/- more within a period of one month from today. It is made clear that, if that amount is not deposited within the aforesaid period, then it shall be treated that there is no stay to the execution and award.

5. With above directions, this civil application stands disposed of.

6. Parties to act upon an authenticated copy of this order.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-