

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.5689/2020
IN FIRST APPEAL NO.1815/2020

M/S NATIONAL INSURANCE CO. LTD.
VERSUS
MAHADEV SHANKAR GHORPADE & OTHERS.

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Shri V.N. Upadhye, Advocate for applicant / appellant.

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CORAM: V.L. ACHLIYA, J.

DATE: 10.09.2020

PER COURT :

- 1] Heard learned counsel for the applicant / appellant.
- 2] The applicant / appellant has moved this application seeking stay to execution of award passed by the Tribunal for the reasons set out in detail in the application.
- 3] In brief, it is the contention of learned counsel for the applicant / appellant that the appellant has good case to succeed in appeal. It is submitted that the challenge raised in the appeal confines to quantum of compensation determined by the Tribunal. The Tribunal has failed to deduct the amount towards personal expenses of the deceased while assessing the compensation. So also the Tribunal has erred in assessing contributory negligence of the deceased to the extent of 25%.

4] On instructions, the learned counsel for the applicant / appellant submits that the appellant is ready to deposit the amount in this Court in terms of award passed by the Tribunal within eight weeks. The statement made by the appellant through Advocate is accepted.

5] In view of the statement made, the application is allowed in terms of prayer clause (A) subject to deposit of amount in terms of award in this Court within eight weeks. On failure to deposit the amount within eight weeks, the stay granted to the execution of award shall stand vacated unless the time to deposit the amount is extended before the due date.

6] The application be marked as disposed of in above terms.

(V.L. ACHLIYA, J.)