

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

**CIVIL APPLICATION (CAO) NO.53/2020**  
**IN**  
**CIVIL APPLICATION (CAF) NO.1486/2019**  
**IN**  
**FIRST APPEAL ST. NO.23663/2018**

**Maharashtra State Road Transport Corporation, Akola, through its Divisional**  
**Controller**  
**...Versus...**  
**Sumanbai w/o Tukaram Dakhore and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders  
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Shri Rohan Chhabra, Counsel for applicant  
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**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 09/01/2020**

By an order dated 17/09/2019, this Court had issued notice and by further order of the same day on Civil Application No.1487/2019, this Court had, subject to the appellant depositing the entire amount of compensation in this Court within a period of four weeks, granted stay to the impugned judgment and order passed by the Tribunal.

Since the amount was not deposited, time was sought, which was granted on 29/11/2019 conditionally by directing the appellant to deposit the compensation amount within a period of one week, failure of which it was stated that the stay shall stand vacated after one week. Civil Application (CAO) No.2246/2019 was, thus, accordingly disposed of.

On 06/12/2019 a statement was made by the learned Counsel for the applicant/appellant that in pursuance of the order dated 29/11/2019, a cheque was deposited but due to minor mistake it was not accepted, as a result of which, the appellant has prepared a new cheque and will make compliance within a period of one week. The statement was accepted and stay was directed to be continued with a condition that on failure to make such deposit within the extended time, the stay will have automatic effect of vacation.

The record shows that thereafter another cheque bearing No.434110 dated 05/12/2019 drawn on State Bank of India in the sum of Rs.1,22,17,123/- came to be deposited against the decretal amount. Said cheque was returned when presented on account of insufficient funds.

Learned Counsel for the applicant submits that the Executing Court has passed an order and frozen the account of the applicant, as a result of which, cheque was returned, which is reflected from Annexure -A annexed to the civil application, whereby the application for release of the account from attachment has been allowed.

In the light of that, learned Counsel for the applicant submits that the cheque bearing No.434110 dated 05/12/2019 be represented again in compliance of the earlier order.

Since the amount has not been deposited within the time, there is no stay to the impugned judgment and award. However, in the light of what has been stated in the civil application, the office is directed to represent the cheque

bearing No.434110, dated 05/12/2019 and place a report regarding its encashment before this Court within a period of two weeks.

The civil application is accordingly allowed and disposed of. No order as to costs.

**JUDGE**

Wadkar, P.S.