

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No.3232 OF 2015
IN
FIRST APPEAL (ST) No. 17425 OF 2014

Mr. Rajaram Kerba ManeApplicant
Vs.
Mrs. Anubai Namdeo Kamble and Ors.Respondents.

Mr. Panchshil Patil i/b. Akshay Shinde for Applicant

CORAM : MADHAV J. JAMDAR, JJ.

DATE : SEPTEMBER 18, 2021

PC. :

1. Heard Mr. Panchshil Patil instructed by Mr. Akshay Shinde, learned Advocate for the Applicant.
2. In this civil application, the relief sought is stay of implementation of the impugned judgment and award dated 16th June, 2012 passed by the Learned Member, Motor Accident Claims Tribunal, Kolhapur in MACP NO. 693 of 2009. This Court by order dated 23rd September, 2015 granted ad-interim stay subject to the applicant depositing in the MACT, Kolhapur an amount of Rs.1,50,000/- within a period of six weeks. The office note shows that the applicant has not deposited the said amount of Rs.1,50,000/-.
3. Although the Respondents are duly served, none appears for the respondents. However, the order dated 23rd September,

2015 passed by this Court clearly shows that the ad-interim relief was granted on a specific condition of depositing of Rs.1,50,000/- within a period of six weeks from 23rd September, 2015. The office note shows that the said amount is not deposited by the applicant.

4. Mr. Panchshil Patil fairly submitted that he has no instructions on the said aspect of deposit of money. The record shows that there is a note forwarded by the Asstt. Superintendent (Fin.), District & Sessions Court, Kolhapur dated 25th November, 2015 stating that the applicant has not deposited the said amount of Rs.1,50,000/- from 23rd September, 2015 till 25th November, 2015. The period for depositing the amount granted by the order dated 23rd September, 2015, expired on 4th November, 2015. The aforesaid report dated 25th November, 2015 clearly shows that the amount is not deposited. Thus there is no stay in operation from 5th November, 2015.

5. In these circumstances, civil application No. 3232 of 2015 for stay to the implementation of the impugned judgment and award dated 16th June, 2012 passed by the Learned Member, Motor Accident Claims Tribunal, Kolhapur in MACP NO. 693 of 2009 is rejected. However, liberty is granted to the Applicant to file a fresh application, if the said amount is deposited by the applicant as per the direction dated 23rd September, 2020 seeking stay of the impugned judgment and award.

Civil Application No. 3232 of 2015 is rejected with above clarification.

(MADHAV J. JAMDAR, J.)

VA Tikam