

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 591 OF 2018
WITH
CIVIL APPLICATION NO. 2364 OF 2017
IN
FIRST APPEAL NO. 591 OF 2018**

The HDFC Ergo General Insurance
Company Limited

.... Appellant

v/s.

Smt. Suhasini Balasaheb Wahane
and ors.

.... Respondents

Mr. Abhijeet Kulkarni for the Appellant.
Mr. T.J. Mendon for Respondent Nos.1 and 2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2022.

P. C. :-

. Order dated 16/08/2017 records the statement of the learned counsel for the Appellant – Insurance Company that the Insurance Company would deposit the entire decretal amount along with interest within a period of eight weeks. In the light of said statement, this Court had stayed execution and implementation of the impugned judgment and award.

2. It is stated that till date, the amount has not been deposited. The stay granted by order dated 16/08/2017 stands vacated.

3. It is also seen that the Appeal is dismissed against Respondent No.2 who was one of the original claimant. Since the Appeal is dismissed against one of the claimants and the judgment and decree is joint, the Appeal as a whole stands dismissed and in the event the Appeal is allowed, it will lead to inconsistent decrees which is not permissible under the rule. Hence, the Appeal is dismissed.

4. Pending Application stands dismissed in view of dismissal of the Appeal.

PREETI
H
JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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