

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

***CIVIL APPLICATION NO.4940 OF 2011
IN
FIRST APPEAL (ST) NO.27630 OF 2011
WITH
CIVIL APPLICATION NO.187 OF 2021
WITH
CIVIL APPLICATION NO.4941 OF 2011***

Oriental Insurance Co. Ltd.

...Applicant

Vs

Neelabai Mangu Rathod and Ors.

...Respondents

...

Mr. S.S.Vidarthi for the Applicant/Appellant in all matters.

Ms. Jaymala Ostwal with K. Gosavi i/by M/s. JJ Associates for
R.No.9 in FAST 27630/2011.

Mr. Vaibhav Jagdale i/by Mr. Vivek Salunkhe for R.No.8 in
FAST 27630/2011.

CORAM : SANDEEP K. SHINDE J.

DATE : FEBRUARY 17, 2022.

P.C. :

Civil Application No.4941 of 2011

This Court vide order dated 21st December, 2011 stayed
the execution of the award subject to appellant/applicant depositing
the entire decretal amount with interest in the lower Court on or
before 31st January, 2012. Additional District Judge-1 and Additional

Sessions Judge, Malegaon informs this Court that appellant has deposited the amount on 15th March, 2012 and not on or before 31st January, 2012. In that view of the matter, Additional Sessions Judge seeks clarification whether impugned award has been stayed or not. It is clarified that award has been stayed since appellant has deposited entire decretal amount.

Civil Application No.4940 of 2011

2 Appellant-Oriental Insurance Co. Ltd. seeks condonation of 33 days delay occurred in filing First Appeal.

3 For the reasons stated in the application, it is allowed and made absolute in terms of prayer clause (a).

4 Civil Application is disposed of.

Civil Application No.187 of 2021

5 Pending appeal, respondent no.8-Ratnakar Sakharam Hardas passed away on 4th March, 2013. This application seeks to bring on record his legal representatives. For the reasons stated in the application, delay is condoned. Application is allowed in terms of prayer clauses (a) and (b).

6 Appellant shall carry out consequential amendments within four weeks from today.

7 Civil Application is disposed of.

(SANDEEP K. SHINDE, J.)