

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

CIVIL APPLICATION (CAO) NO.139 OF 2019

IN

CIVIL APPLICATION NO.188 OF 2017

IN

FIRST APPEAL NO.931 OF 2022

Rajendra Janardhan Dhangade

Vs.

Smt. Leelabai wd/o Kamlesh Singh Chavan

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. B. Gandhi, Advocate for the applicant/appellant.

Mr. Amol Patne, Advocate for respondent Nos.1 to 3.

Mrs. Anita Mategaonkar, Advocate for respondent No.5.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/03/2023

1. This is an application by the appellant/applicant for modification of the stay order which was passed dated 17.2.2017.

2. By passing order on 17.2.2017, this Court directed the applicant to deposit 50% of the amount of compensation within a period of eight weeks from that day and on the same condition the execution of the impugned award is directed to be stayed, until further orders.

3. Subsequently, present application is filed by the appellant/applicant for modification of the earlier order passed with prayer that stay be granted on condition to deposit the amount of Rs.2,00,000/- and the

demand draft be accepted.

4. Said application was filed long back on 10.12.2018. In the meanwhile, appellant has deposited Rs.2,00,000/- before this Court and Rs.2,32,000/- in the executing Court and while admitting the appeal he has deposited the statutory amount of Rs.25,000/-. Thus, he has deposited the maximum amount of 50%. Considering the same, only Rs.65,500/- is remained as a balance amount against the said 50%.

5. In view of that on depositing the additional Rs.65,000/- amount within four weeks, the Judgment and Award passed by the Motor Accident Claims Tribunal, Nagpur in Claim Petition No.1265/2004, on depositing the said amount, the execution, implementation and effect of the said award be stayed till disposal of the appeal.

6. On failure to deposit the said amount the stay granted will be vacated automatically without further reference to the Court.

7. Civil Application is disposed of.

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1. **Admit.**

2. Learned Advocate Mr. Patne, waives notice for respondent Nos.1 to 3.

3. Learned Advocate Mrs. Anita Mategaonkar, waives notice for respondent No.5.

4. Call for record and proceeding.

5. Appellant to file paper book within eight weeks, after receipt of the record and proceedings.
6. In the meanwhile, appellant to supply the necessary document to the respondents.
7. Appeal be place for final hearing, after paper book is filed.

(URMILA JOSHI-PHALKE, J.)

Sarkate