



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

CIVIL APPLICATION NO. 384 OF 2024 IN FAST/38563/2023

TATA AIG GENERAL INSURANCE COMPANY LTD
VERSUS
VILAS SHIVAJI JANEPHALKAR AND ANOTHER

...
Advocate for Applicant : Mr. S. S. Patil holding for
Mr. Rohit H. Dahat

Advocate for Respondent No.1 : Mr. C. V. Dharurkar

Advocate for Respondent No.2 : Mr. A. R. Borulkar

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CORAM : S. G. MEHARE, J.

DATE : 13-03-2024

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Mr. Dharurkar, learned counsel waives service of notice for respondent No.1 and Mr. Borulkar, learned counsel waives service of notice for respondent No.2.
3. Learned counsel for the applicant/insurer submits that the judgment and award has been impugned on the ground of contributory negligence and in alternate for non-involvement of the offending vehicle in the accident. Considering the grounds of appeal and objections of respondents, it is a fit case for granting stay. Hence, the following order is passed:-

ORDER

- i) Application is allowed.

- ii) The execution, implementation and effect of the impugned judgment and award has been stayed, till conclusion of the appeal on the condition that the appellant shall deposit the entire compensation of the impugned award within eight weeks from today.
- iii) If the applicant/insurer shall not deposit the amount of compensation within eight weeks from today, the stay order would be vacated automatically.
- iv) There shall be no extension of time to deposit the amount of impugned award.

(S. G. MEHARE)
JUDGE

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