

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

rpa

**CIVIL APPLICATION NO.1404 OF 2015
IN
FIRST APPEAL (STAMP) NO.3365 OF 2014**

The State of Maharashtra
Vs.

.. Applicant

Kalya Kanha Mhatre
(Since deceased through his LR's)
1/1. Anusaya Rama Mhatre & Ors.

.. Respondents

....

Mr.A.R. Patil, AGP for the Applicant.
Mr.Shriram S. Kulkarni, Advocate for the Respondent Nos.1/1 to
1/8, 2/1 to 2/10 and 3.

....

**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATED : APRIL 18, 2015.

P.C. :

Heard the learned AGP for the applicant and the learned counsel appearing for the respondents. The impugned Judgment and Award is in the nature of a money decree and, therefore, the applicant will have to deposit the entire amount payable as per the impugned Judgment and Award, as a condition for grant of stay. The Respondents will have to be permitted to withdraw the amount subject to furnishing security.

2 Accordingly, we pass the following order:

:: ORDER ::

(i) Rule is made absolute in terms of prayer Clause (b) subject to applicant depositing with the Reference Court the entire compensation payable in terms of the impugned Judgment and Award within a period of three months from today. If the amount is not deposited within the stipulated time, the stay shall stand vacated without further reference to the Court.

(ii) If the amount is deposited, the Reference Court shall permit the respondents to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference Court. Before accepting the security, the applicant shall be heard.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)