

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

**CIVIL APPLICATION NO.5048 OF 2006
IN
FIRST APPEAL (ST). NO.14727 of 2006**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.C.M.Lokesh i/b M/s.G.S.Hegde &
Associates for the applicant

Mr.Rupesh Lanjekar i/b Mr.A.G.Damle for
the respondents

CORAM : K.K.TATED, J.
DATED : 22/01/2015

PC:

- 1 Not on board. At the request of advocate for the applicant matter is taken on board.
- 2 This application is preferred by original opponent no.1 for stay of the operation and implementation of the impugned judgment and award dated 30.8.2005 passed by Additional District Judge, Nashik in MACP No.449 of 1996.
- 3 The learned counsel for the applicant submits that they already deposited entire decretal amount in the trial court. Statement is accepted.
- 4 Considering the submissions made by the

learned counsel for the applicant and the averments made in Civil Application and as entire amount is already deposited in the Trial Court, I am satisfied that the applicant has made out a case for allowing Civil Application. Respondent claimant preferred Civil Application No.173 of 2015 for withdrawal of the amount. That application be decided on its own merits.

5 Hence, following order:

a) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) That pending admission and disposal of the above appeal, against the Judgement and Award dated 30-802005 passed by Additional District Judge, Nashik at Nashik in MAC Petition No.449 of 1996, be stayed.”

b) Civil Application No.173 of 2015 preferred by claimants will be decided on its own merits.

c) Civil Application is disposed of accordingly.

(K.K.TATED, J.)