

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

CIVIL APPLICATION NO.2474 OF 2013
IN
FIRST APPEAL (ST) NO.18594 OF 2013

Divisional Controller NWKSRTC

...Applicant

V/s.

Sadashiv Mhalappa Vhanmane & Anr.

...Respondents

Mr. C. M. Lokesh for the Applicant

Mr. Nagesh Y. Chavan for the Respondent No.1.

CORAM: K.K. TATED, J.

DATED : FEBRUARY 12, 2015

PC. :

1. Not on board. Taken on board.

Heard the learned counsel for the parties.

2. This Application is preferred by non-applicant No.1 for stay of the operation and implementation of the impugned judgment and award dated 25/03/2011 passed by the MACT Sangli in MACP No.74/2007. The learned counsel for the Applicant submits that pursuant to the order dated 18/07/2013 passed by this court, they deposited the entire decretal amount in the Tribunal. Statement is accepted.

3. The learned counsel for the Applicant submits that pending the hearing and final disposal of the appeal, this Hon'ble Court be pleased

to stay the operation and implementation of the impugned judgment and award. He submits that if the entire amount is withdrawn by the Respondents – claimants, nothing will survive in the appeal. He submits that the Appellants have good chance of success in the appeal.

4. The learned counsel for the Respondent – claimants submits that they preferred Civil Application No.126/2015 for withdrawal of the amount. That Application will be decided on its own merits.

5. Considering the submissions made by the learned counsel for the Applicant and as the entire amount is deposited by the Applicant in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Application. Hence, the following order:

- a) The operation and implementation of the impugned judgment and award dated 25/03/2011 passed by the MACT Sangli in MACP No.74/2007 is stayed till hearing and final disposal of the appeal.
- b) The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of three years which will be renewed from time to time till hearing and final disposal of the appeal.
- c) Civil Application No.126/2015 preferred by the original claimants will be decided on its own merits.
- d) Civil Application stands disposed off accordingly.

(K.K. TATED, J.)