

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 3308 OF 2013
IN
FIRST APPEAL NO. 1161 OF 2013**

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. A.R. Patil, AGP for the applicant/State.
Mr. R.S. Datar for the respondent.

**CORAM : K. K. TATED, J.
DATED : 18/02/2015.**

P.C.:

- . Heard learned Counsel for the parties.
- 2 This Application is preferred by the State of Maharashtra for stay of judgment and award dated 25.03.2013 passed by Civil Judge, Senior Division, Kalyan in L.A.R. No. 42 of 2011 (Old L.A.R. No. 03 of 2001).
- 3 The learned AGP for the applicant submits that Demand Draft of the decretal amount is ready. He submits that applicant undertakes to deposit the said Demand Draft in the Reference Court within two weeks from today. Undertaking is accepted.
- 4 Considering the submissions made by the learned counsel for the applicant and averments made in Civil Application, I am satisfied that

applicant has made out case for allowing Civil Application.

5 Hence, the following order.

a) The operation and implementation of the impugned judgment and award dated 25.03.2013 passed by Civil Judge, Senior Division, Kalyan in L.A.R. No. 42 of 2011 (Old L.A.R. No. 03 of 2001) is stayed till the hearing and final disposal of the First Appeal, subject to that, applicants have to deposit the entire decretal amount in the Reference Court within two weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b) If amount is deposited within stipulated time as stated herein above, Reference Court is directed to invest the entire amount in fixed deposit of any nationalised bank initially for the period of one year and same to be continued till the hearing and final disposal of the First Appeal.

c) Liberty granted to the respondent claimant to prefer appropriate application for withdrawal of amount, if they so desire, and that application will be decided on its own merits.

d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)