

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

**CIVIL APPLICATION NO.4523 OF 2013
IN
FIRST APPEAL NO.1730 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, A.G.P. for the applicant

CORAM : K.K.TATED, J.
DATED : 11/03/2015

PC:

- 1 Heard the learned A.G.P. for the applicant.
- 2 This application is preferred by original opponent for stay of the operation and implementation of the impugned judgment and award dated 30.03.2013 passed by learned Civil Judge, Senior Division, Kalyan in L.A.R. No.45 of 2011 (Old L.A.R.No.6 of 2001) till the hearing and final disposal of the First Appeal.
- 3 The learned A.G.P. for the applicant submits that the cheque is ready. He undertakes to deposit the same in the Trial Court within three weeks from today as per earlier order dated 24.6.2014.
- 4 Considering the submissions made by the learned counsel for the Applicant, the averments

made in the Application and as applicants are ready to deposit entire decretal amount within three weeks from today, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, as no one appeared on behalf of the respondents claimants, liberty granted to the respondent claimant to prefer appropriate application if they so desire for withdrawal of additional amount and that application be decided on its own merits. Hence, following order:

- a) The operation and implementation of the impugned judgment and award dated 30.03.2015 passed by Civil Judge, Senior Division, Kalyan in L.A.R. No.45 of 2011 (Old L.A.R.No.6 of 2001) is stayed till the hearing and final disposal of the First Appeal on the condition that Government to deposit entire amount with cost and interest.
- b) Reference court is directed to invest amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.
- c) If amount is not deposited within stipulated time as stated hereinabove, respondent claimant is entitled to execute the award according to law.

d) If amount is deposited within within stipulated time as stated hereinabove, liberty granted to the respondents claimants to prefer appropriate application for withdrawal of the amount if they so desire, and that application be decided on its own merits.

e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)