

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

CIVIL APPLICATION NO.4037 OF 2009

IN

FIRST APPEAL NO.1833 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.T.J.Pandian for the applicant
Mr.Pravin Gole i/b Mr.S.S.Deshmukh for the respondent no.1

CORAM : K.K.TATED, J.

DATED : 17/06/2015

PC:

- 1 Heard the learned counsel for the applicant.
- 2 This application is preferred by Union of India for stay of the operation and implementation of the judgment and award dated 15.6.09 passed by Railway Claims Tribunal, Mumbai in O.A.No.393 of 2004.
- 3 The learned counsel for the applicant submits that as per earlier order passed by this court on 3.9.2013 they deposited entire awarded amount. To that effect there is a noting on farad also.
- 4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as entire amount is already deposited, I am satisfied that the Applicant

has made out a case for allowing the present Civil Application. At the same time, liberty granted to the respondents claimants to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits. Hence, following order:

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

“(a) the execution of the the Judgment and Decree dated 15.6.2009 passed by the Hon'ble Railway Claims Tribunal, Mumbai in O.A.No.393/2004 may be stayed, pending the hearing and final disposal of the First Appeal, and to pass such other and further orders as this Hon'ble High Court may deem fit and proper on the facts and in the circumstances of the case be granted.”

B) Liberty granted to the respondents claimants to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits.

C) Civil application stands disposed off accordingly.

(K.K.TATED, J.)