

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

**CIVIL APPLICATION NO.1612 OF 2015
IN
FIRST APPEAL (ST) NO.25383 OF 2014**

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.Mandar V. Limaye for the applicant

CORAM : K.K.TATED, J.
DATED : 28/04/2015

PC:

1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is for stay of the operation and implementation of the judgment and award dated 4.10.2013 passed by MACT, Thane in MACP No.267 of 2014 awarding the sum of Rs.1,84,200/- by way of compensation with 7% interest.

3 The learned counsel for the applicant submits respondent claimant sustained injury during the course of employment. He submits that claimant is in service with the applicant. He further submits that the Tribunal awarded sum of Rs.1.0 lacs towards future prospects. He submits that there is no question of awarding sum of Rs.1.0 lac towards

future prospects because respondent claimant is in service of applicant. He submits that they have good chance of success in the present proceeding. He submits that if entire amount is recovered by the respondent claimant in Execution Application, nothing will survive in the present proceeding. He further submits that they are ready and willing to deposit entire decretal amount in the Tribunal within 6 weeks from today.

4 Statement is accepted.

5 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for ad-interim relief. As this order is passed without issuing notice to the respondent, liberty granted to them to prefer appropriate application for withdrawal of further amount and that application be decided on its own merits.

6 Considering the facts and circumstances of the present case and the reason given by the Trial Court, I am of the opinion that at present, respondent claimant is entitled to withdraw sum of Rs.75,000/- with accrued interest without furnishing any security.

7 Hence, following order:

a) Operation and implementation of the

impugned judgment and award 4.10.2013 passed by MACT, Thane in MACP No.267 of 2004 is stayed on the condition that applicant to deposit entire awarded amount including interest and cost in the Tribunal within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

b) If amount is not deposited within stipulated time as stated hereinabove, respondent claimant is entitled to execute the award according to law.

c) If the amount is deposited within stipulated time as stated hereinabove, respondent claimant is entitled to withdraw sum of Rs.75,000/- with accrued interest without furnishing any security but subject to outcome of First Appeal.

d) Tribunal is directed to invest remaining 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 First Appeal.

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

f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)