

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

CIVIL APPLICATION NO.4341 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. C. M. Lokeshappa for the Applicant
Ms. Shubhangi Abhyankar i/b. Bhushan Walimbe
for the Respondent.

CORAM : K. K. TATED, J.
DATE : JANUARY 28, 2015

P.C.:

1. This Application is preferred by the original opponents for stay of the operation and implementation of the impugned judgment and award dated 04/01/2013 passed by the MACT Jaisingpur in MACP No.31/2011 holding that the Respondent original claimants are entitled for compensation of Rs.6,16,500/- with interest @ 7.5% p.a. from the date of petition.

2. The learned counsel for the Applicant submits that they have already deposited the decretal amount in the Tribunal. Statement is accepted.

3. The learned counsel for the Applicant submits that if the decretal amount is withdrawn

by the original claimants in Execution Application nothing will survive in the appeal. He submits that, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till hearing and final disposal of the appeal.

4. Liberty granted to the Respondent original claimants to prefer an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

a) The operation and implementation of the impugned judgment and award dated 04/01/2013 passed by the MACT Jaisingpur in MACP No.31/2011 is stayed till hearing and final disposal of the appeal.

b) The Tribunal is directed to invest the entire amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which shall be renewed from time to time till hearing and final disposal of the appeal.

c) Liberty granted to the Respondent original claimants to prefer an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

d) Civil Application stands disposed off accordingly.

JUDGE