

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

CIVIL APPLICATION NO.1768 OF 2014
IN
FIRST APPEAL NO.526 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. C. M. Lokesh for the Applicant
Mr. R. S. Chahal for the Respondent

CORAM : K. K. TATED, J.
DATE : JUNE 24, 2015

P.C.:

1. Heard. This Application is preferred for stay of the operation and implementation of the impugned judgment and award dated 12/09/2013 passed by the MACT, Thane in MACP No.590/2011 holding that the Respondent-claimant are entitled to Rs.20,82,390/- with 7% p.a. interest by way of compensation.

2. The learned counsel for the Applicant submits that they deposited the entire award amount in the Tribunal as per order dated 09/10/2014 passed by this court. Statement is accepted.

3. The learned counsel for the Applicant submits that they have good chance of success in the matter. He submits that the Tribunal has awarded compensation on higher side. He submits that if entire award amount is withdrawn by the Respondent, nothing will survive in the present proceedings. Hence, pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award.

4. On the other hand, the learned counsel for the Respondent-claimant vehemently opposed the Civil Application. He further submits that they preferred Civil Application No.379/2015 for withdrawal of compensation amount. That Application 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.

6. Hence, the following order:

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

- a) That pending admission and disposal of the above appeal against the judgment and award passed by the MACT, Thane in MACP No.590/2011 dated 12/09/2013 be stayed.
- b) Civil Application No.379/2015 preferred by the claimant for withdrawal of the amount will be decided on its own merits.
- c) The Tribunal is directed to invest the entire award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till hearing and final disposal of the appeal.
- d) Civil application stands disposed off accordingly.

JUDGE