

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

**CIVIL APPLICATION NO. 662 OF 2010
IN
FIRST APPEAL NO. 314 OF 2010**

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. R. N. Gite for the applicant.

Mr. S.M. Sabrad for the respondent.

CORAM : K. K. TATED, J.

DATED : 02/03/2016

P.C.:

. Heard learned Counsel for the applicant.

2 This application is preferred by owner of vehicle for stay of the operation and implementation of the impugned judgment and award dated 14.09.2009 passed by the M.A.C.T. Nashik in M.A.C.P. No. 282 of 2002 directing applicant to pay sum of Rs.1,14,135/- with 9% interest per annum by way of compensation.

3 The learned counsel for the applicant submits that as per order dated 08.06.2010 passed by this Court, they deposited 50% amount in Tribunal.

4 The learned counsel for the applicant submits that the Tribunal erred in coming to the conclusion that the applicant is liable to pay compensation. He

further submits that the compensation awarded by the Tribunal is on higher side. He submits that in the interest of justice, pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of impugned judgment and award passed by Tribunal. He submits that if stay is not granted, irreparable loss and injury will be caused to the applicant.

5 It is to be noted that in the present proceeding, the Tribunal after considering the evidence on record held that Respondent-claimant is entitled to sum of Rs.1,14,135/- with 9% interest by way of compensation.

6 In any case, there is money decree in favour of Respondent-claimant. Money decree should not be stayed without directing the applicant to deposit the entire awarded amount.

7 Considering this fact, following order is passed:

a) The operation and implementation of the impugned judgment and award dated 14.09.2009 passed by MACT, Nashik in M.A.C.P. No.282 of 2002 is stayed, till hearing and final disposal of the appeal on condition that the Applicant to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within 12 weeks from today, failing which the Civil Application shall

stand dismissed without further reference to the court.

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

c) If amount is deposited within stipulated time as stated hereinabove, the Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

d) Liberty granted to the respondent claimant to take out appropriate application, if he so desire, for withdrawal of the amount and that application shall be decided on its own merits.

e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)