

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

**CIVIL APPLICATION NO.2823 OF 2015  
IN  
FIRST APPEAL (ST) NO.30330 OF 2014**

|                                                                                                           |                            |
|-----------------------------------------------------------------------------------------------------------|----------------------------|
| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders. |
|-----------------------------------------------------------------------------------------------------------|----------------------------|

Mr.Parag V. Dube for the applicant

Ms.Alpa Somaiya i/b Mr.A.M.Gokhale for the respondent no.1

**CORAM : K.K.TATED, J.**  
**DATED : 11/01/2016**

**PC:**

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Pune Mahanagar Parivahan Mahamandal Ltd, original opponent for stay of the operation and implementation of the impugned judgment and award dated 14.7.2014 passed by the Tribunal holding that the respondent claimant is entitled compensation of Rs.8,88,600/- with 9% interest p.a.
- 3 The learned counsel for the applicant submits that as per order dated 4.9.2015 passed by this court, they already deposited entire awarded

amount in the Tribunal. Statement is accepted.

4 The learned counsel for the applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award till the hearing and final disposal of the First Appeal. He submits that at the time of awarding compensation, Tribunal has not considered the contributory negligence on the part of respondent claimant. He submits that the Tribunal has awarded compensation on higher side. He submits that they have good chance of success in the present First Appeal. He submits that if stay is not granted, irreparable loss will be incurred to them.

5 Considering the submissions made by the learned counsel for the Applicant and as entire amount is deposited in the Tribunal, I am satisfied that the Applicant has made out a case for interim relief. Hence, following order is passed: :

a) Pending the hearing and final disposal of the First Appeal, operation and implementation of the impugned judgment and award dated 14.7.2014 passed by MACT, Pune in Application No.264 of 2013 is stayed.

b) Tribunal is directed to invest the 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 the First Appeal.

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

d) Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**