

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

**CIVIL APPLICATION NO.2538/2015
IN
FIRST APPEAL (ST)NO.30/2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

AGP Mrs.Geeta Mulekar for applicant.

CORAM : K. K. TATED, J.

DATE : AUGUST 16, 2019.

P.C.:

Heard learned AGP Mrs.Geeta Mulekar for applicant.

2. By this civil application, applicant is seeking stay of operation and implementation of judgment and award dated 12.4.2012 passed by Civil Judge, Senior Division, Sindhudurg-Oros 11/1991 in LAR No.11/1991.

3. Learned AGP Mrs. Geeta Mulekar for applicant submits that

the awarded compensation is on higher side. She submits that, if entire amount is recovered by the respondent by filing execution application, then nothing will survive in the present proceeding. She submits that in the interest of justice, this court be pleased to stay the operation and implementation of the impugned judgment and award, during the pendency of first appeal.

6. Considering the submissions made by learned AGP Mrs.Mulekar for applicant, averments made in application and as reference court awarded sum of Rs.3,09,620/- by way of additional compensation in favour of respondents, I am satisfied that applicant has made out a case for following order.

A) Civil application is allowed in terms of prayer clause (b) which is reproduced as below on condition that, applicant to deposit the entire amount with interest in the reference court on or before 19.10.2019 failing which civil application shall stand dismissed without referring back to the court.

b)That this Honourable Court be pleased to stay the operation, execution and implementation of the Judgment and Award dated 12.04.2012 passed by the learned Civil Judge, Senior Division, Sindhudurg, Oros in LAR No.11 of 1991 till the hearing and final disposal of the abovementioned First Appeal.

B) If amount is deposited within stipulated time, reference court is directed to invest remaining amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

C) Liberty granted to respondents/claimants if they so desire to prefer appropriate application for withdrawal of amount and that application will be decided on its own merits.

D) Civil application is disposed of.

E) No order as to cost.

(K.K.TATED, J.)