

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1003/2019
IN
FIRST APPEAL (ST) NO.2395/2019

State of Maharashtra & Ors. ... Applicant

V/s.

Sanjubai Dnyaneshwar Patil (Koli) ... Respondent

Mr. A. R. Patil, AGP for the Applicant

CORAM: K.K. TATED, J.

DATED : MARCH 13, 2019

P.C. :

1 Heard. By his Civil Application the Applicant seeks stay of the operation and implementation of the judgment and award dated 26.08.2016 passed by the MACT, Solapur in MACP No.148/2013 holding that the Respondent-Claimant is entitled to sum of Rs.10,48,600/- compensation along with interest @ 9% p.a.

2 The learned AGP submits that the Respondent - claimant has filed Execution Application. He submits that the next date in the Execution Application is 16.03.2019. Hence, there is urgency. He submits that if entire award amount is recovered in the Execution Application nothing will survive in the present proceedings. The learned counsel for the Applicant undertakes to deposit the entire awarded amount including interest, costs and charges within 8 weeks from today. The statement is accepted.

3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time, the Respondent - claimant is required to be permitted to withdraw some amount unconditionally, as this order is being passed without hearing them.

4 Hence, the following order is passed:

a. The operation and implementation of the judgment and award dated 26.08.2016 passed by the MACT, Solapur in MACP No.148/2013 is stayed, subject to the Applicant depositing the entire awarded amount including interest, costs and charges in the Tribunal on or before 31.05.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the amount is deposited as stated hereinabove, the Tribunal is directed to invest the same 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.

c. The Respondent - claimants are permitted to withdraw the following amount along with accrued interest:

Claimant No.1 Sanjubai Dnyaneshwar Patil - Rs.1,50,000/-

Claimant No.2 Parmeshwar Dnyaneshwar Patil - Rs.75,000/-

Claimant No.3 Archana Dnyaneshwar Patil - Rs.75,000/-

- d. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits
- e. Civil Application stands disposed of accordingly.
- f. No order as to costs.

(K. K. TATED, J.)