IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO.1964/2016
in
First Appeal No. 834/2016

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

Mr. Y. P. Deshmukh for the Appellant
Mr. P. J. Pawar for Respondent Nos.1 and 2

CORAM : K.K.TATED, J.
DATED : APRIL, 8, 2019

P.C.

Heard.

By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 20.10.2015 passed by the MACT, Satara in MACP No.479/2012 holding that the Respondent - claimants are entitled to sum of Rs.55,71,000/- by way of compensation along with 9% p.a. interest.

2 The learned counsel for the Applicant submits that this court, by order dated 18.04.2018 granted interim stay subject to the Applicant depositing balance 50% of the amount including interest within a period of

three weeks. He submits that there is delay on their part to deposit the same. Hence, the Trial Court held that there is no stay. He submits that therefore, the claimant may withdraw the whole amount. He submits that if the entire amount is withdrawn by the Respondent claimant without security, it would be difficult for them to recover the same.

3 When this court declined to extend the time to deposit the amount, the learned counsel for the Applicant submits that they have no objection if 50% amount is withdrawn by the Respondent claimant, unconditionally, subject to the outcome of the First Appeal.

4 Considering these facts, the following order is passed:

a. The Civil Application is allowed in terms of prayer clause (B), which reads thus:

> *"(B) Pending hearing and final disposal of the First Appeal the impugned judgment and order dated 20.10.2015 passed by the Ld. Member MACT, Satara allowing the Claim Petition No.478/12, whereby an award to the tune of Rs.55,71,000/- with proporitionate costs is awarded to the Claimants, may kindly be stayed."*

b. The Respondent – claimants are entitled to withdraw 50% of the amount of compensation as per their share, unconditionally, subject to the outcome of the First Appeal.

c. If the amount is deposited within stipulated time as stated hereinabove, the Tribunal is directed to invest the remaining award amount in a fixed deposit 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 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.

(K.K.TATED, J.)