

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1158 OF 2017
IN
FIRST APPEAL STAMP NO. 7909 OF 2017

Union of India .. Applicant

In the matter between

Union of India .. Appellant

Vs.

Liberty Oil Mills Ltd. .. Respondent

Mr.Navin Bagul I/b Mr.T.J. Pandian, for the Applicant.
Ms.Eventa A.Gonsalves a/w Mr.Reyden L. Gonsalves, for
Respondent.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Heard learned Counsel for parties.

2. By this Civil Application, applicant is seeking stay of execution and implementation of the impugned judgment and award dated 21/04/2016 passed by Railway Claims Tribunal,

Mumbai Bench, Mumbai in Application No. OA(III)/MCC/2007/0001 holding that the respondent is entitled a sum of Rs.25,49,400/- with interest.

3. Learned Counsel for the applicant submits that he has received instructions from his client that they are ready and willing to deposit entire decretal amount in this Court within a period of 8 weeks from today. Statement is accepted.

4. Learned Counsel for the respondent submits that they are ready and willing to provide solvent security to the satisfaction of the Registry for withdrawal of the entire amount with accrued interest except bank guarantee.

5. Considering the submission made by learned Counsel for the applicant and the averments made in the Civil Application and as they are ready and willing to deposit entire awarded amount with accrued interest in this Court within a period of 8 weeks from today, I am satisfied that applicant has

made out a case for following order.

ORDER

(i) The operation and implementation of the impugned judgment and award dated 21/04/2016 passed by Railway Claims Tribunal, Mumbai Bench, Mumbai in Application No. OA(III)/MCC/2007/0001 is stayed till hearing and final disposal of the First Appeal on condition that applicant to deposit the entire awarded amount along with interest in the Registry of this Court on or before 08/11/2019, failing which Civil application shall stand dismissed without further reference to the Court.

(ii) Liberty is granted to the respondent – Liberty Oil Mills Ltd. to withdraw the entire amount by furnishing solvent security to the satisfaction of the Registry except bank guarantee, within eight weeks from the date of deposit of amount.

(ii) If the amount is not withdrawn within the stipulated time in that case, the Registry is directed to invest the entire amount in a Fixed Deposit account of any Nationalised Bank, initially for a period of one year and same shall be renewed till further orders.

(iv) Applicant is directed to inform the respondent's Advocate in

writing about the date of deposit of the entire amount.

6. Civil Application stands disposed of. No order as to costs.

(K.K.TATED, J.)