

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1148 OF 2017
IN
FIRST APPEAL STAMP NO. 7918 OF 2017

Union of India .. Applicant

In the matter between

Union of India .. Appellant

Vs.

Bharat Petroleum Corporation Ltd. and ors. .. Respondents

Mr.Navin Bagul I/b Mr.T.J. Pandian, for the Applicant.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Heard learned Counsel for applicant.

2. By this Civil Application, applicant is seeking stay of 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(I)/MCC/2003/002 holding that the respondent – claimant is entitled a sum of Rs.2,02,784/- with interest @ 6% from the date of filing of the application till the realisation of the entire amount.

4. Learned Counsel for the applicant submits that he has instructions from his client that they are ready and willing to deposit the entire amount with interest before Tribunal within 8 weeks from today. Statement is accepted.

5. Learned Counsel submits that pending the hearing and final disposal of First Appeal, this Hon'ble Court may please to stay the operation and implementation of the judgment and award dated 21/04/2016 passed by the Tribunal. He submits that if the entire amount is withdrawn by the respondent-original claimant, then nothing will survive in the present proceedings.

6. Considering the submissions made by the learned

Counsel for the applicant and averments made in the Civil Application and as the applicant is ready and willing to deposit the entire awarded amount with interest in Tribunal within 8 weeks from today, I am satisfied that applicant has made out a case for allowing Civil Application. Hence, the following order.

ORDER

i) Civil Application is allowed in terms of prayer clause (a) which reads thus :

“The execution of the judgment and decree dt. 21/04/2016 passed by the Hon'ble Railway Claims Tribunal Mumbai in OA (I)/MCC/2003/002 may be stayed, pending the hearing and final disposal of the first appeal upon any conditions as may deem fit to this Hon'ble Court ”

on condition that applicant to deposit the entire awarded amount along with interest in Tribunal on or before 19/10/2019, failing which Civil application shall stand dismissed without further reference to the Court.

(ii) If the amount is deposited within the stipulated time, the

Tribunal is directed to invest the entire amount in a Fixed Deposit account of any Nationalised Bank, initially for a period of one year and the same shall be renewed till further orders.

iii) Liberty is granted to the respondent - original claimant, if they so desire, to prefer an application for withdrawal of the amount and that application to be decided on its own merits.

v) Civil Application stands disposed of accordingly.

vi) No order as to costs.

(K.K.TATED, J.)