

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Civil Application No.2341/2016  
in  
First Appeal No.918/2016

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|-----------------------------------------------------------------------------------------------------------|----------------------------|
| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders. |
| Mr. Yashodeep P. Deshmukh for the Applicant<br>Mr. T. J. Mendon for the Respondent                        |                            |

**CORAM : K.K.TATED, J.**  
**DATED : JULY 25, 2019**

**P.C.**

1 Pursuant to the praecipe filed by the learned counsel for the Applicant, the matter is taken on production board.

2 By this Civil Application, the Applicant is seeking stay to the the operation and implementation of the impugned judgment and award dated 08.01.2016 passed by the MACT Raigad in MACP No.451/2010 holding that the Respondent - Claimants are entitled to sum of Rs. 48,25,008/- as compensation with interest @ 8% p.a.

3 The learned counsel for the Applicant submits that they have already

deposited the entire awarded amount along with interest in the sum of Rs.65,20,536/- in the Tribunal on 19.06.2019.

4 The learned counsel for the Applicant submits that the impugned judgment and award is against the justice, equity and good conscience. The Tribunal has awarded the compensation on higher side. He submits that the Applicant has good chance of success in the matter. He submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till hearing and final disposal of the appeal. He submits that if entire amount is recovered nothing will survive in the present proceedings.

5 Considering the submissions made by the learned counsel for the Applicant and as they have already deposited the entire awarded amount, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6 Hence, the following order:

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 08.01.2016 passed by the learned counsel for the . Member MACT, Raigad allowing the Claim petition No.451/10, whereby, an award to the tune of Rs.48,25,008/- with proportionate costs is awarded to the Claimants, may kindly be stayed.”*

b. The Tribunal is directed to invest the award amount 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 hearing and final disposal of the appeal.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits

d. Civil application stands disposed off accordingly.

e. No order as to costs.

**(K.K.TATED, J.)**