

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2627/2016

in

First Appeal No.585/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. D. S. Joshi for the Applicant
Mr. Ramesh Chavanke for Respondent
Nos.1 and 2.

CORAM: K.K.TATED, J.

DATED : SEPTEMBER 19, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 06.09.2014 passed by the MACT, Thane in MACP No.961/2007.

2 The learned counsel for the Applicant submits that they have already deposited the entire awarded amount in the Tribunal. He submits that the Respondent-Claimant has withdrawn sum of rs.50 lacs as per the order passed by this court.

3 The learned counsel for the Applicant submits that in view of these facts, this Hon'ble Court be pleased to allow the Civil Application.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

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

“(a) Pending the hearing and final disposal of the appeal, in this Hon'ble Court by an order of stay, may kindly stay the operation, implementation and execution of the part of the impugned judgment and award dated 06.09.2014 passed by the MACT Thane in MACP No.961/2007.”

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. The Civil Application stands disposed of accordingly.
- e. No order as to costs.

(K.K.TATED, J.)