

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3062 OF 2008

IN

FIRST APPEAL NO. 235 OF 2017

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

Court's or Judge's orders.

Mr. Prahsant Chawan a/w Ms. Chaitali
Kandare I/b Navdeep Vora & Asso. for the
Applicant.

Mr. Dhiraj Gole I/b R.R. Salvi for
Respondent.

CORAM: K.K.TATED, J.

DATED : 17/10/2019

P.C.

1 Heard learned Counsel for the
Applicant.

2 By this Civil Application, the Applicants
are seeking stay of the operation and
implementation of the Judgment and Award
dated 31.03.2007 passed by the learned
Joint Civil Judge, Senior Division, Alibag in
LAR No. 991 of 2000.

3 The learned Counsel for the Applicant
submits that they deposited entire awarded
amount with interest in Reference Court.
Statement is accepted.

4 Considering the submissions made by
the learned Counsel for the Applicant and
averments made in Civil Application and the

statement made by the learned Counsel for the Applicant that the entire amount is deposited by them in Reference Court, I am satisfied that Applicant has made out a case for allowing this Civil Application.

7 Hence, the following order is passed:

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

“a) Pending the hearing and final disposal of the above Appeal, the operation, implementation and execution of the Judgment and Order dated March 31, 2007 passed by the Court of Joint Civil Judge, Senior Division, Alibag being LAR no. 991 of 2000 be stayed.”

b) The Reference Court is directed to invest the amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)