

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 2849/2003
in
First Appeal No. 1159/2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Parvez S. Daruwalla & Hrudha Ostwal I/b. Mulla & Mulla and Blunt & Caroe for the Appellant	

CORAM : K.K.TATED, J.
DATED : APRIL 12, 2019

P.C.

Heard. None for the Respondent though duly served.

2 By this Civil Application the Applicant is seeking to stay the operation and implementation of the impugned judgment and award dated 10.04.2003 passed by the MACT Thane in MACP No.112/1993.

3 Office note shows that the writ is duly certified for order dated 03.11.2003.

4 This court, by order dated 08.09.2003 granted ad-interim relief in favour of the Applicant, subject to the Applicant

depositing 50% of the awarded amount in the Trial Court.

5 In the present proceedings, the MACT awarded sum of Rs.1,50,000/- with 9% p.a. by way of compensation in favour of the Respondent.

6 Considering the submissions made by the learned counsel for the Applicant and the impugned order, I am of the opinion that the Applicant has to deposit the entire awarded amount in the Tribunal.

7 Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 10.04.2003 passed by the MACT Thane in MACP No.112/1993 is stayed till hearing and final disposal of the First Appeal subject to the Applicant depositing the remaining awarded amount along with interest, if any, in the Trial Court on or before 04.05.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the awarded amount is deposited within stipulated time as stated

hereinabove, liberty granted to the Respondent - claimants to prefer an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits

c. Civil application stands disposed off accordingly.

(K.K.TATED, J.)