

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3469/2016

in

First Appeal No.1246/2016

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 Mr. T. J. Mendon for Respondent No.1.

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 operation and implementation of the judgment and award dated 28.01.2016 passed by the MACT, Raigad in MACP No.317/2012 holding that the Respondent - Claimant is entitled to sum of Rs.3,81,262/- by way of compensation with interest @ 7.5% p.a.

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

amount along with interest in the Tribunal on 31.01.2019. He submits that the Tribunal has awarded compensation on higher side. He submits that they have good chance of success in the matter. He submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. He submits that if the entire amount is recovered by the claimants then nothing will survive in the present proceedings.

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

5 Hence, following order is passed:

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 28.01.2016 passed by the Ld. Member MACT, Raigad allowing the Claim petition No.317/12, whereby,

an award to the tune of Rs.3,81,262/- with proportionate costs and interest at 7.5% from date of filing of claim petition is awarded to the claimants, may kindly be stayed.”

b. The Tribunal is directed to invest the awarded 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. The Tribunal is directed to invest the 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.

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

e. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)