

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3012/2015
in
First Appeal (ST) No. 12925/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. S. S. Jinsiwale for the Applicant Mr. U. B. Nighot I/b. D. D. Shinde for Respondent No.2.	

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 4, 2019

P.C.

1 By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 14.11.2014 passed by the MACT, Pune in MACP No.226/2009.

2 The learned counsel for the Applicant submits that as per order dated 04.09.2015 passed by this court, they have already deposited the entire awarded amount including interest in the Tribunal. The statement is accepted.

3 The learned counsel for the Applicant 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 He submits that if the entire amount is withdrawn by the Respondent-Claimant then nothing will survive in the present proceedings.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 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 the hearing and final disposal of the present appeal this Hon'ble Court be pleased to stay the operation, execution, implementation, effect and further proceedings pursaunt to the impugned judgment and award dated 14.11.2014 passed by the MACT, Pune in MACP No.226/2009.”

b. 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.

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.)