

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.3161 OF 2016

IN

FIRST APPEAL NO.223 OF 2019

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.Yogesh Dabake, A.G.P. for the appellant

Mr.S.A.Ghaisas for the respondent

CORAM : K. K. TATED, J
DATE : MARCH 27, 2019

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking stay of the operation and implementation of the impugned judgment and award dated 21.08.2015 passed by learned Civil Judge, Senior Division, Alibag in L.A.R. No.739 of 2000.

3 The learned A.G.P. submits that they already deposited entire awarded amount in the Reference Court, Statement is accepted.

4 The learned counsel for the Respondent Claimant submits that they also preferred Civil Application No.4285 of 2018 for withdrawal of the amount. He submits that that Application be decided on its own merits.

5 Considering the submissions made by the learned A.G.P. for the Applicant and as entire amount is deposited in Reference Court. I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

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

"b) that this Hon'ble Court be pleased to stay the operation and / or execution and / or implementation of the Judgment and Award dated 20.08.2015 passed by the Learned Joint Civil Judge, Senior Division, Alibag, District Raigad in L.A.R. No.739 of 2000 (Old L.A.R. No.386/1990), till the hearing and final disposal of the above mentioned First Appeal."

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

C) Civil Application No.4285 of 2018 preferred by Claimant be decided on its own merits.

D) Civil application stands disposed off accordingly.

E) No order as to costs.

(K.K.TATED, J.)