

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3206/2017
in
First Appeal (ST) No.13930/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Sandeep S Jinsiwale for the Applicant	

CORAM : K.K.TATED, J.
DATED : JULY 15, 2019

P.C.

1 Heard. By this Application the Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 15.06.2016 passed by the MACT Mumbai in Application No.2210/2010 holding that the Respondent - Claimant is entitled to sum of Rs.27,40,808/- by way of compensation with interest @ 11.50% p.a.

2 The learned counsel for the Applicant submits that the Tribunal has failed to consider the fact that the Respondent - Claimant has failed to produce any documentary evidence to show that they

are entitled to compensation of Rs.27,40,808/-. He submits that in any case, the compensation awarded by the Tribunal is 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 stay is not granted irreparable loss will be caused to them. He submits that if entire amount is recovered by filing Execution Application then nothing will survive in the present proceedings. He submits that the Trial Court has failed to consider the fact that the deceased Ketan was the brother-in-law of the claimant.

3 The learned counsel for the Appellant submits that the statutory deposit of Rs.25000/- made by them at the time of filing the present First Appeal be transferred to the respect account of the MACT, Mumbai.

4 Considering the submissions made by the learned counsel for the Applicant and as the deceased was brother-in-law

of the claimant, he is entitled to compensation or not, will be decided at the time of final hearing.

5 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (b) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 16.08.2019 failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (b) reads thus

“(b) Pending the hearing and final disposal of the present application this Hon’ble Court be pleased to stay the operation, execution, implementation, effect and further proceedings pursuant to the impugned judgment and award dated 15.06.2016 passed by the Learned Additional Chairman of MACT, Mumbai in MACP No.2210/2010.”

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. 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.

d. The statutory deposit of Rs.25000/- made by the Appellant at the time of filing the present First Appeal shall be transferred to the respective account of the MACT, Mumbai.

e. Civil application stands disposed off accordingly.

f. No order as to costs.

(K.K.TATED, J.)