

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

CIVIL APPLICATION NO.582/2018
IN
FIRST APPEAL ST NO.15902/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Pandit Kasar for the Applicant

CORAM : K. K. TATED, J
DATE : MARCH 13, 2019

P.C.:

1 By this Civil Application, the Applicant seeks stay to the operation and implementation of the judgment and award dated 29.06.2019 passed by the MACT Raigad in MACP No.363/2008 holding that the Respondent - claimants are entitled to compensation of Rs.3,05,000/- with interest @ 7% p.a.

2 The learned counsel for the Applicant submits if stay is not granted, irreparable loss will be caused to the Applicant. He submits

that if Respondent recovers the entire amount by filing Execution Application nothing will survive in the present proceedings. He submits that he received instructions from his client that they are ready and willing to deposit the entire awarded amount including interest, costs and charges before the Tribunal within four weeks from today.

3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 As this order is being passed without notice to the original claimants, they are entitled to withdraw some amount.

5 Hence, the following order is passed:

a. The operation and implementation of the judgment and award dated 29.06.2019 passed by the MACT Raigad in MACP No.363/2008 is stayed, subject to the Applicant depositing the entire decretal amount in the Tribunal on or before 18.04.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the amount is deposited within stipulated time as stated hereinabove the claimants are entitled to withdraw some amount with accrued interest, unconditionally, as under:

Claimant No.1 Laxmibai Narayan Mhatre - 25%

Claimant No.2 Bhushan Narayan Mhatre - 5%

Claimant No.3 Mahendra Narayan Mhatre - 5%

c. The Tribunal is directed to invest the remaining award 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 further orders.

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. Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K. TATED, J.)