

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3260/2009
in
First Appeal (ST) No.18502/2009

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. A. B. Gatne for the Applicant Mr. S. R. Phanse I/b. A. R. Kapadnis for Respondent Nos.1, 3 and 4. Mr. Vikrant V. Parashurami for Respondent No.8.

CORAM: K.K.TATED, J.
DATED : AUGUST 21, 2019

P.C.

1 Heard. By this Civil Application the Applicant is seeking stay to the operation and implementation of the judgment and award dated 12.11.2008 passed by the MACT, Malegaon, Dist. Nasik in MACP No.222/2000.

2 The learned counsel for the Applicant submits that as per order dated 20.08.2009 they have already deposited the entire awarded amount 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 they have good chance of success in the matter. He submits that if the entire amount is withdrawn by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.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 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) that this Hon'ble Court be pleased to stay the execution, operation and implementation of the judgment and order/award dated 12.11.2008 passed by the Member, MACT, Malegaon, Dist. Nashik in MACP No.222 of 2000, till the final hearing and disposal of

the First Appeal, as against the Applicant.”

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.

f. The sum of Rs.25,000/- deposited by the Appellant at the time of filing the First Appeal be transferred to the Tribunal in the respective MACP Account.

(K.K.TATED, J.)