

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.,862 OF 2018
in
FIRST APPEAL (ST) NO.19277 of 2017**

Bombay Municipal Corpn .. Applicant
vs
Bajrang Ranba Mane & ors Respondents

Ms.Oorja Dhond for Applicant
Mr.P.M.Bopardikar for Respondent nos. 1 to 3.

CORAM : K.K.TATED, J
DATE : 29th MARCH, 2019

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Not on board. At the request of learned counsel for the applicant, matter is taken on board.

2. Heard learned counsel for the parties.

3. By this Civil Application, the applicant-Corporation is seeking stay of the operation and implementation of the impugned judgment and award dated 16.1.2017 passed by the MACT, Mumbai, in MAC Application No.1540 of 2008 holding that the claimants are entitled compensation to the extent of Rs.21,06,000/- plus interest at 9% p.a. from the date of filing of the application till realization.

4. Learned counsel for the applicant submits that they have already deposited the entire amount in the Tribunal on 31.3.2018. She further submits that if the entire amount is withdrawn by claimants then nothing will survive in the present First Appeal. She submits that in the interest of justice, this Hon'ble Court, be pleased to stay the operation and implementation of the impugned judgment and award dated 16.1.2017 passed by the MACT, Mumbai in MAC Application no. 1540 of 2008 till the hearing and final disposal of the present First appeal.

5. Considering the submissions made by the learned counsel for the applicant and averments made in the Civil Application and as the entire amount is deposited by the applicant in the Tribunal on 31.3.2018, I am satisfied that the applicant has made out a case for granting the Civil Application. Hence the following order :

ORDER

(i) The operation and implementation of the impugned judgment and award dated 16.1.2017 passed by the MACT, Mumbai in MAC Application No.1540 of 2008 is stayed till the hearing and final disposal of the First Appeal.

(ii) The Tribunal is directed to invest the amount in the fixed

deposit of any nationalised bank initially for a period of one year and thereafter be continued until further orders.

(iii) Liberty is granted to the respondents/claimants if they so desire to prefer an application for withdrawal of the amount and that would be decided on its own merits.

Civil application stands disposed of.

{K.K.TATED, J}