

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

**CIVIL APPLICATION NO. 3412 OF 2017
IN
FIRST APPEAL (ST.) NO. 21023 OF 2017**

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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P. A. Narayanan for the Applicant.
Ravindra Pachundkar for Respondent Nos. 1 to 5.
Shankar Katkar i/b Manisha Devkar for Respondent No.6.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 15, 2019**

P.C.

1 Heard.

2 Though, the Respondents are duly served, no one appeared on behalf of them, when the matter called out.

3. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and Award dated 21/12/2016 passed by MACT, Pune in MACP No. 477/2013 holding that the Respondents original Claimants are entitled to a sum of Rs. 16,02,000/- by way of compensation with interest @ 9% p.a.

4. The learned Counsel for the Applicant submits that, the Applicant has already deposited the entire awarded amount with interest in the Tribunal. The statement is accepted. 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 Judgment and Award passed by the Tribunal. He submits that, if entire amount is recovered by the Respondents Claimants in Execution Application, then nothing will survives in this First Appeal.

5 Considering the submissions made by the learned Counsel for the Applicant and averments made in Civil Application and as Applicant has already deposited the entire amount in the Tribunal, I am satisfied that Applicant has made out a case for allowing this Civil Application.

6. Hence, the following order is passed:

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

“a) Pending the hearing and final disposal of the Appeal this Hon'ble Court be pleased to stay the operation of the impugned Judgment and Award dated 21st December, 2016 passed by the Hon'ble Member, MACT,

Pune allowing the Claim Petition bearing No. 477/2013 and directing this Applicant and the Respondent Nos. 6 & 7 herein to pay jointly and severally the total amount of Rs. 16,02,000/- (Rupees Sixteen Lakhs Two Thousand only) with interest at the rate of 9% p.a. from the date of the application till realization of the entire amount.”

b) The Tribunal is directed to invest the entire amount in fixed deposit of any Nationalized bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)