

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

**CIVIL APPLICATION NO.4828 OF 2016
IN
FIRST APPEAL (ST.) NO.23718 OF 2016**

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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Mr.A.R.Patil, A.G.P. for the applicant

Mr.Vinayak Kumbhar i/b Mr.N.V.Bandivadekar
for the respondent nos.1 to 7

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Heard.

2 By this Civil Application Applicant is seeking stay of the operation and implementation of the impugned judgment and award dated 22.1.2016 passed by learned Joint Civil Judge, Senior Division, Alibag at Raigad in L.AR.No.218 of 2014.

3 The learned A.G.P. for the Applicant

submits that it remained on their part to comply the earlier order dated 9.12.2016 passed by this court in Civil Application No.4827 of 2016 i.e. to deposit awarded amount in Reference Court within 8 weeks. He submits that time to comply the said order be extended. He submits that they have good chance of success in the present matter. He submits that if time is not extended, irreparable loss and injury will be caused to them.

4 It is to be noted that in the present proceedings, this court by order dated 9.12.2016 directed Applicant to deposit entire awarded amount in the Reference Court within 8 weeks from the date of order.

5 Considering the submissions made by the learned A.G.P.for the Applicant, the averments made in the Application and earlier order dated 9.12.2016, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order is passed:

A Civil Application is allowed in terms of prayer clause (b) on condition that Applicant to deposit entire awarded amount along with interest and cost on or before 24.6.2019,

failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (b) reads thus:

"(b) that this Hon'ble court be pleased to stay the operation and/or execution and /or implementation of the Judgment and Award dated 22.01.2016 passed by the Learned Joint Civil Judge, Senior Division, Alibag, District Raigad in L.A.R. No.218 of 2014, till the hearing and final disposal of above mentioned First Appeal."

B. If amount is deposited within stipulated time as stated hereinabove, Reference Court is directed to invest entire awarded amount in fixed deposit of any nationalised bank initially for a period of one year and same to be continued till further orders.

C. Liberty granted to the Claimant to make appropriate Application for withdrawal of amount, if he so desires, and that Application be decided on its own merits.

D Civil application stands disposed of accordingly.

E No order as to costs.

(K.K.TATED, J.)