

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

CIVIL APPLICATION NO.2958 OF 2019

IN

FIRST APPEAL NO.792 OF 2019

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.Shriram S. Chaudhari for the Applicant

Mr.Dinesh W. Bhosale for the Respondent
nos.1 to 4

**CORAM : K. K. TATED, J
DATE : AUGUST 22, 2019**

P.C.:

. Not on board. At the request of advocate for the Applicant, matter is taken on production board for urgent orders.

2 By this Civil Application, Applicant is seeking stay of the judgment and award dated 3.11.2016 passed by MACT, Pandharpur in MACP No.37 of 2013 holding that Respondent original Claimants are entitled sum of

Rs.4,13,500/- by way of compensation with interest @ 7% p.a.from the date of filing of petition till realization of entire amount of compensation.

3 The learned counsel for the Applicant submits that Respondent original Claimants filed Execution Application for recovery of entire amount. He submits that next date in the Execution Application is 29.8.2019. He submits that if entire amount is recovered by the Respondent original Claimants in Execution Application, then nothing will survive in the present proceeding. He submits that Applicant has good chance of success In the present proceeding. He submits that till the hearing and final disposal of First Appeal, this Hon'ble court be pleased to stay the operation and implementation of the impugned judgment and award passed by MACT. He submits that if stay is not granted, irreparable loss will be caused to the Applicant.

4 On the other hand, the learned counsel for the Respondent original Claimant vehemently opposed the present Civil Application. He submits that there is no question of granting any stay. Applicant may be directed to deposit entire awarded amount with interest in the Tribunal within particular time and liberty

may be granted to the Respondent original Claimant to withdraw the said amount.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as Respondent original Claimant filed Execution Application for recovery of entire awarded amount and next date before the executing court is 29.8.2019, I am satisfied that the Applicant has made out a case for allowing the Civil Application but at the same time, they have to deposit entire awarded amount with interest in the Tribunal on or before 21.9.2019. Hence, following order is passed:

A. Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit entire awarded amount with interest in the Tribunal on or before 21.9.2019. Prayer clause (a) which reads thus:

“a) Pending the hearing and final disposal of the aforesaid Appeal, the implementation, operation and execution of the Judgment and award dated 3.11.2016 passed by the Ld.M.A.C.T. Pandharpur in M.A.C.P. No.37/2013 be stayed.”

B. If amount is deposited within stipulated

time as stated hereinabove, Tribunal is directed to invest the said amount in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.

C. Liberty granted to the Applicants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

D. Civil Application stands disposed of accordingly.

E. No order as to costs.

(K.K.TATED, J.)