

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.611/2017

in

First Appeal No.128/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Ms. Dipeeka Prabhala I/b. Res Juris for the Applicant Ms. Ravindra S. Pachundkar for Respondent Nos.1 to 4. Ms. Adeeba Khan ib/. mateen Shaikh for Respondent Nos.5 and 6

CORAM: K.K.TATED, J.

DATED : OCTOBER 3, 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 21.03.2016 passed by the MACT Pune in MACP No.533/2010 holding that the Respondent-Claimants are entitled to sum of Rs.34,20,400/- with interest @ 8% p.a.

2 The learned counsel for the Applicant submits that as per order dated 12.09.2017 passed by this court, they have 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 impugned judgment and award. She submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

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

“b. Pending hearing and final disposal of the First Appeal the execution, implementation and operation of the judgment and award dated 21.03.2016 passed by the Learned Member, MACT Pune in MACP No.533/2010 may kindly be stayed.”

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.

(K.K.TATED, J.)