

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1904/2015
in
First Appeal No.415/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Ms. Pooja Yadav h/f. D. R. Mahadik for the Applicant

CORAM : K.K.TATED, J.
DATED : JUNE 24, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the the operation and implementation of the impugned judgment and award dated 10.10.2012 passed by the MACT, Mumbai in Application No.2042/2005 holding that the Respondent - Claimant is entitled to sum of Rs.1,14,291/- by way of compensation with interest @ 7.5% p.a.

2 The learned counsel for the Applicant submits that they have already deposited the entire awarded amount in the Tribunal. The statement is accepted.

3 The learned counsel for the Applicant

submits that pending the hearing and final disposal of the First Appeal, the the operation and implementation of the impugned judgment and award be stayed. He submits that if entire awarded amount is recovered in the Execution Application nothing will survive in the present proceedings.

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

5 Hence, the following order:

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

“(a) That pending the hearing and final disposal of the appeal, the operation of the judgment and order dated 10.010.2012 passed by the Hon’ble Shri S. R. Vadali, Member of MACT, Mumbai in application No.2042/2005, be stayed.”

b) The Tribunal is directed to invest the awarded 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) Civil application stands disposed off accordingly.

e) No order as to costs.

(K.K.TATED, J.)