

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

**CIVIL APPLICATION NO.1463 OF 2018  
IN  
FIRST APPEAL (ST.) NO.34019 OF 2017**

|                                                                                                                             |                           |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office<br>Memoranda of<br>Coram,<br>Appearances,<br>court's orders or<br>directions and<br>Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|

Mr.Sanjay Krishnan I/b Ms.Harshana Rane for  
the applicant

Mr.T.J.Mendon for the respondents

**CORAM : K. K. TATED, J  
DATE : JULY 1, 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 25.04.2017 passed by MACT Alibag in MACP No.54 of 2013 holding that Respondent Claimants are entitled compensation of Rs.96,07,464/- with interest @ 9% p.a.

3 The learned counsel for the Applicant submits that if entire amount is recovered by the Respondent Claimant by filing Execution Application then nothing will survive in the present proceeding. He submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till the hearing and final disposal of the First Appeal.

4 The learned counsel for the Applicant submits that he received instruction from the client that they are ready and willing to deposit entire awarded amount with interest in the Tribunal within 8 weeks from today.

Statement is accepted.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application and as Applicants are ready and willing to deposit entire awarded amount in the Tribunal within 8 weeks from today, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

A) Civil Application is allowed in terms of

prayer clause (a) on condition that Applicant to deposit entire awarded amount along with interest in the Tribunal on or before 31.08.2019, failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (a) 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 Judgement and award dated 25.04.2017 passed by the Hon’ble Member, MACT, Alibaug in claim petition bearing No.54 of 2013 allowing the Petition and directed this Appellant and the Respondent No.5 herein to pay jointly and severally the total amount of Rs.96,07,464/- (Rupees Ninety Six Lakhs Seven Thousand Four Hundred Sixty Four only) inclusive of the No Fault Liability amount with interest at the rate of 9% p.a. interest from the date of filing the Claim Application till date realization to the Respondent no. 1, 3 & 4.”*

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

C. Liberty granted to the Claimant to make appropriate Application for withdrawal of

amount and that Application be decided on its own merits.

D. Civil application stands disposed off accordingly.

E. No order as to costs.

**(K.K.TATED, J.)**