

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.170 OF 2020
IN
FIRST APPEAL [STAMP] NO.14688 OF 2019

Maharashtra State Road Transport]
Corporation Limited (MSRTC)]
Through Divisional Officer.] Applicant

Vs.

Mangalabai Bhausahab Thakare] Respondent

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Mr. Pranil Sonawane, for Applicant.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 23rd MARCH, 2021.

P.C.

1. This is an application seeking stay to the operation, implementation and execution of the Judgment and Award dated 13th November, 2017 passed by learned Member, M.A.C.T, Malegaon, Dist. Nashik in M.A.C.P No.110 of 2016.

2. Heard Mr. Sonwane, learned Counsel for the applicant.

3. Learned Counsel for the applicant submits the respondent-claimant has initiated execution proceedings against the applicant

and if the respondent-claimant executes the award then the appeal will become infructuous. The applicant has a good case on merits. He, therefore, prays for staying the impugned judgment and award.

4. Learned Counsel for the applicant submits that entire amount of compensation including the interest accrued upon it will be deposited in M.A.C.T, Malegaon, District Nashik within four weeks from today. Statement is accepted.

5. In view of the statement made by the learned Counsel for the applicant, there shall be ad-interim relief in terms of prayer clause (a) which reads thus;

“a)Pending the hearing and final disposal of the Appeal, the execution, implementation and operation of the Impugned Award be stayed”.

subject to deposit of the amount as above.

6. Learned Counsel for the applicant submits that the respondent-claimant is a labourer.

7. After depositing the amount, the applicant shall inform the respondent-claimant about the factum of deposit within one week.

8. If the applicant fails to deposit the entire amount of compensation with accrued interest within four weeks, ad-interim

relief shall stand vacated automatically, without further reference to the Court.

9. Respondent-claimant is at liberty to withdraw entire amount of compensation with accrued interest that would be deposited by the applicant before the concerned M.A.C.T upon furnishing an undertaking at the time of withdrawing the amount of compensation that if the applicant succeeds in the appeal, she will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

10. If respondent-claimant does not file an undertaking at the time of withdrawing the amount, the amount that would be deposited by the applicant shall be invested by the M.A.C.T in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

11. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]