

Santosh

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

**INTERIM APPLICATION NO. 3257 OF 2021
IN
FIRST APPEAL NO. 469 OF 2021**

The General Manager, Bombay Electric
Supply and Transport ...Applicant

In the matter between

The General Manager, Bombay Electric
Supply and Transport ...Appellant

Versus

Rajendra Namdeo Nagure ...Respondent

Ms. Shraddha Chheda, i/b M/s. Navdeep Vora & Asso., for the
Applicant/Appellant.

Ms. Amin Khan, i/b M. Bagwan, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 15th NOVEMBER, 2021

PC:-

1. Issue notice to the respondents.
2. Ms. Khan, the learned Counsel waives notice for the respondent – original applicant.
3. This application is preferred seeking stay to the execution, operation and implementation of the award in M.A.C. Application No.1958 of 2016, dated 7th May, 2021, passed by the learned Chairman, MACT, Mumbai. The learned Counsel for the applicant – appellant, on instructions, submits that the appellant – applicant is ready to deposit the entire amount of

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compensation alongwith the interest accrued thereon. The learned Counsel thus prays for stay.

4. The learned Counsel for the respondent submits that the respondent is in urgent need of amount of compensation as his 7 year old daughter is suffering from mental illness.

5. In view of the submissions on behalf of the appellant – applicant and the willingness on the part of the appellant – applicant to deposit the entire amount of compensation alongwith the interest accrued thereon in terms of the impugned award it may be expedient to stay the execution of the impugned judgment and award with liberty to the respondent to withdraw 50% of the compensation subject to usual undertaking.

6. Hence, the following order:

: O r d e r :

- (i) The application stands allowed.
- (ii) The execution, operation and implementation of the impugned award in M.A.C. Application No.1958 of 2016, dated 7th May, 2021, passed by the learned Chairman, MACT, Mumbai, stands stayed till the disposal of the appeal, subject to deposit of the entire amount of compensation alongwith the interest

accrued thereon within a period of four weeks from today.

- (iii) In the event of default in depositing the amount, the stay would stand vacated without further reference to the Court.
- (iv) In case the amount is deposited, the Tribunal shall allow the respondent to withdraw 50% of the amount deposited by the applicant in accordance with the Rules and upon furnishing usual undertaking.
- (v) The application accordingly stands disposed of.

[N. J. JAMADAR, J.]