

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 230/2020

The Union Of India

----Appellant

Versus

Smt. Saroj Bai W/o Shri Shyamlal

----Respondent

For Appellant(s) : Ms. Manjeet Kaur, Adv.

For Respondent(s) : Mr. Ajay Shukla, Adv.

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

10/08/2023

Matter comes up on an application (I.A. No.01/2023) for vacation of stay order dated 24.07.2020 as well as for disbursement of the award amount.

Learned counsel for the respondent submits that this court vide order dated 24.07.2020 while issuing notice to the respondents, stayed effect and operation of the impugned award dated 17.10.2019 passed by Railway Claims Tribunal, Jaipur Bench. He further submits that on account of interim order dated 24.7.2020, the respondents are suffering adversely. He has prayed to vacate the interim order dated 24.07.2020.

On the other hand, learned counsel for the appellant submits that the appellant is ready to deposit the entire decretal amount.

Having heard the learned counsel for the parties and taking into consideration the facts and circumstances of the case, it is directed that effect and operation of the impugned award dated 17.10.2019 shall remain stayed, if the appellant deposit the entire decretal amount with the Tribunal within a month from today. On

deposition of the said amount, the respondents-claimants shall be entitled to withdraw 50% of the same on their furnishing an undertaking on oath to the effect that if the appellant ultimately succeeds in the appeal, the said amount shall be refunded by them to the appellant along with interest @ 9% per annum from the date of withdrawal till refund. Remaining 50% of the amount shall be invested in the FDR in a Nationalised Bank initially for a period of one year which shall be renewed from time to time.

The order dated 24.07.2020 is modified to the aforesaid extent and the application (I.A. No.01/2023) stands disposed of accordingly.

(NARENDRA SINGH DHADDHA),J