

GAHC040013492023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C)/165/2023

D.K Thongdok
S/o Lt. Wangdi Thongdok, Resident of Rupa Market, PS Rupa, Dist. West Kameng,
Arunachal Pradesh. Mobile No. 919436258742

VERSUS

Tony Pertin
S/o Lt. Gora Pertin, Resident of Ane Gumin, Dokum Colony, Itanagar, PO/PS
Itanagar, PO/PS Itanagar, District Papumpare, Arunachal Pradesh.

Advocate for the Petitioner : Vijay Jamoh

Advocate for the Respondent : Mingkong Pertin

Linked Case : RFA/4/2023

D. K. Thongdok
Age: 56
Occupation :
Address:S/o Lt. Wangdi Thongdok
Resident of Rupa Market
PS Rupa
Dist. West Kameng
Arunachal Pradesh. Mobile No. 919436258742

VERSUS

Tony Pertin
Age: 0

Occupation :
Address:S/o Lt. Gora Pertin
Resident of Ane Gumin
Dokum Colony
Itanagar
PO/PS Itanagar
PO/PS Itanagar
District Papumpare
Arunachal Pradesh.

Advocate for : Vijay Jamoh
Advocate for : H K Jamoh appearing for Tony Pertin: Advocate appearing for
respectively.

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 05-10-2023

Heard Mr. V. Jamoh, learned counsel for the applicant/appellant. Also heard Mr. H. K. Jamoh, learned counsel for the opposite party/respondent.

2. This is an application under Order XLI Rule 5 read with Section 151 of the Code of Civil Procedure, 1908, praying for stay of the execution of decree drawn, pursuant to judgment and order, dated 03.03.2023, passed in money suit no. 84/2022 (*Shri Tony Pertin Vs. Shri D. K. Thongdok*) by the Civil Judge (Sr. Division) Capital Complex, Yupia.

3. Judgment and order, dated 03.03.2023, passed in money suit no. 84/2022 by the Civil Judge (Sr. Division) Capital Complex, Yupia and the Decree drawn pursuant thereto, is stated to have been challenged before this Court by the applicant in RFA No. 04/(AP)2023.

4. It is also submitted by the learned counsel for the applicant that pursuant

to the Judgment and order, dated 03.03.2023, passed in money suit no. 84/2022 and the decree drawn, pursuant thereto, by the Civil Judge (Sr. Division) Capital Complex, Yupia, an amount of Rs. 61,00,000/- (Rupees Sixty-One Lakhs) has been paid by the applicant/appellant to the opposite party/respondent.

5. Mr. H. K. Jamoh, learned counsel for the opposite party/respondent has not denied that the opposite party/respondent has received the amount of Rs. 61,00,000/- (Rupees Sixty-One Lakhs) from the applicant/appellant, pursuant to the Judgment and order, dated 03.03.2023, passed in money suit no. 84/2022 and the decree drawn, thereto, by the Civil Judge (Sr. Division) Capital Complex, Yupia.

6. Having heard the learned counsels appearing for the parties and also taking note of the fact that Rs. 61,00,000/- (Rupees Sixty-One Lakhs) has been paid by the applicant/appellant to the opposite party/respondent, pursuant to the Judgment and order, dated 03.03.2023, passed in money suit no. 84/2022 and the decree drawn thereto, by the Civil Judge (Sr. Division) Capital Complex, Yupia; pending disposal of the RFA No. 04/(AP)2023, the proceeding of the Money Execution No. 04/2022 pending before the Civil Judge (Sr. Division) Capital Complex, Yupia, shall remain stayed.

7. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant