

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

***CIVIL APPLICATION (ST) NO. 4560 OF 2015
IN
FIRST APPEAL (ST) NO. 4559 OF 2015***

Mr.Sudhakar Jijaba Ghotekar & anr. ... Applicants

v/s

Mr.Arvind Nilkanth Bhalerao ... Respondent

Ms.Smita R. Gaidhani for the applicants.

Mr.Shyam Walve for the respondent.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 23TH FEBRUARY 2015

P.C.:

Heard the learned counsel for the parties. Perused the contents of the application. Also perused the judgment of the Trial Court.

In pursuance of the judgment and decree, the respondent/non-applicant deposited the balance consideration in the Trial Court and two sale deeds in respect of the suit property were executed in favour of the respondent/non-applicant through the Court. It is stated that the respondent/non-applicant has

deposited a sum of Rs.15,00,000/- towards the balance consideration. Despite the execution of the sale deeds in favour of the respondent/non-applicant, the appellant/applicant retains the possession of the property. In the facts of this case, we grant stay of possession in favour of the appellant/applicant only on the condition that the applicant deposits a sum of Rs.15,00,000/- in the Trial Court within a period of eight weeks. If the amount is so deposited, the same may be placed in a fixed deposit account in a nationalized bank and the account should be renewed from time to time during the pendency of the first appeal. In case the applicant fails to deposit the said amount and also declines to receive the amount of Rs.15,00,000/- deposited by the non-applicant towards balance consideration, the said amount should also be placed in the fixed deposit account.

The parties are hereby restrained from alienating the suit property or creating third party interest therein during the pendency of the first appeal.

The civil application is disposed of in the aforesaid terms.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)