

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 2648 OF 2014
IN
FIRST APPEAL NO. 933 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P. J. Pandit i/b M/s. B. M. Gupta & Asso. for the applicant.

CORAM : K. K. TATED, J.

DATED : 11/08/2015.

PC.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by the defendant for stay of Judgment and Decree dated 30.11.2013 passed by 4th Joint Civil Judge, Senior Division, Nashik in Special Civil Suit no. 407 of 2009 directing applicant to pay sum of Rs.7,50,000/- with 6% interest per annum to the respondent plaintiff.

3 The learned Counsel for the applicant submits that the respondent plaintiff filed execution application for recovery of decretal amount. He submits that if the entire amount is recovered by the

plaintiff in execution application, nothing will survive in the present First Appeal.

4 The learned Counsel for the applicant submits that they are ready and willing to deposit entire decretal amount in Trial Court within four weeks from today. The statement is accepted.

5 Considering the submissions made by learned counsel for the applicant, averments made in civil application and as the applicant is ready and willing to deposit entire decretal amount before the Trial Court, I am satisfied that applicant has made out the case for allowing the civil application.

6 As this order is passed without issuing notice to the respondent plaintiff, liberty granted them to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

7 Hence, the following order.

a) The operation and implementation of decree dated 30.11.2013 passed by 4th Joint Civil Judge, Senior Division, Nashik in Special Civil Suit no. 407 of 2009 is stayed till further orders on condition that applicant to deposit entire decretal

amount with interest and costs in Trial Court within four weeks from today, failing which civil application shall stand dismissed without referring back to the court .

b) Liberty granted to the respondent plaintiff to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

c) In the meanwhile, the Trial Court is directed to invest the amount in Fixed deposits of any Nationalised Bank, initially for the period of one and half year and same to be continued till further orders.

d) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)