

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

CIVIL APPLICATION NO.2755 OF 2014
IN
FIRST APPEAL NO.993 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. G. H. Keluskar for the Applicant
Mr. S. M. Sabrad for the Respondent No.2.

CORAM : K. K. TATED, J.
DATE : APRIL 29, 2015

P.C.:

1. Heard. This Application is for stay of the operation and implementation of the impugned judgment and decree dated 29/01/2014 passed by the Civil Judge, Senior Division Sangli in Special Civil Suit No.44/2001 directing the Defendant No.1 to pay Rs.18 lacs to the Plaintiffs with 14% p.a. interest from the date of filing of the suit till realisation.

2. The learned counsel for the Applicant submits that as per earlier order of this court, they have already deposited the entire decretal amount in the Tribunal. Statement is accepted.

3. The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and decree. He submits that if entire amount is withdrawn by the Respondent- Defendants, nothing will survive in the present proceedings. He submits that the Applicant has good chance of success in the matter.

4. On the other hand, the learned counsel for the Respondent Plaintiffs vehemently opposed the present Civil Application. He submits that the Plaintiffs preferred Civil Application No.716/2015 for withdrawal of the amount deposited by the Respondent Defendant.

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the the Civil Application No.716/2015 preferred by the Plaintiffs will be decided on merits.

6. Hence, the following order:

- a. The operation and implementation of the impugned judgment and decree 29/01/2014 is stayed till hearing and final disposal of the appeal.
- b. The Civil Application No.716/2015 preferred by the Plaintiffs will be decided on merits.
- c. Civil Application stands disposed off accordingly.

JUDGE