

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

CIVIL APPLICATION NO.2206/2015
IN
FIRST APPEAL (ST) NO.16673/2015

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. Sajiv Sawant a/w. Abhishek Deshmukh for the Applicant

Mr. Ghulam Rasool Khan for the Respondent No.1.

CORAM : K. K. TATED, J.

DATE : JULY 2, 2015

P.C.:

1. Heard. This Application is preferred by Defendant No.2 for stay of the operation and implementation of the impugned decree dated 08/04/2015 passed by the learned Judge, Bombay City Civil Court, Mumbai in L.C.Suit No.303/2007 by which the Trial Court directed the Applicant to pay Rs.10,00,000/- with 9% p.a. interest from 30/10/2005 till its realization to the Respondent Plaintiff.

2. The learned counsel for the Applicant Defendant No.2 submits that the Applicant needs 8 weeks time to deposit the decretal amount in the Trial Court. Statements is accepted.

3. Considering the submissions made by the learned counsel for the Applicant and since the Applicant is ready and willing to deposit the entire decretal amount in the Trial Court within 8 weeks from today, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4. Hence, the following order:

a) Subject to the Applicant depositing the entire decretal amount along with interest, costs, if any, in the Trial Court within 8 weeks from today, the Civil Application is allowed in terms of prayer clause (a) which read thus:

a) Pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the execution, operation and implementation of the impugned judgment and decree dated 08/04/2015 passed by the learned Judge, City Civil Court, Bombay in Long Cause Suit NO.303/2007.

b) If decretal amount is not deposited within stipulated time as stated hereinabove, the Respondent Plaintiff is entitled to execute the decree according to law.

c) If decretal amount is deposited within stipulated time as stated hereinabove, liberty

granted to the Respondent Plaintiff to prefer an appropriate Application for withdrawal of decretal amount, if they so desire, which will be decided on its own merits.

d) In the meantime, the Trial Court is directed to invest the entire decretal amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till hearing and final disposal of the appeal.

e) Civil application stands disposed off accordingly.

JUDGE