

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

**CIVIL APPLICATION NO. 2758 OF 2014  
IN  
FIRST APPEAL NO. 1394 OF 2014**

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| 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. Anand Mishra i/b Ashok Saraogi for the appellant.

Mr. K. D. Shah for the respondents.

**CORAM : K. K. TATED, J.**

**DATED : 08/06/2015.**

**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 defendant for stay of Judgment and Decree dated 29.03.2014 passed by the Bombay City Civil Court at Bombay in Summary Suit No. 3773 of 2010 (High Court Suit No. 1398 of 2010) directing the applicant defendants do pay to the plaintiffs an amount of Rs.7,95,600/- together with interest on Rs.4,88,039/- @ 12% per annum from the date of filing of the suit till its realisation.

3 The learned Counsel for the applicant submits that he received instructions from his client that they are ready and willing to deposit entire amount in this Court within one week from today. Statement is accepted.

4 The learned Counsel for the respondents plaintiffs submits that they have no objections if the Civil Application made absolute in terms of prayer clause (a) on condition that applicant to deposit the entire decretal amount. He further submits that respondents plaintiffs may be granted liberty to prefer an appropriate application for withdrawal of the said amount.

5 By consent of the both the parties, the Civil Application disposed of in following terms:

a) The operation and implementation of impugned Judgment and Decree dated 29.03.2014 passed by Bombay City Civil Court at Bombay in Summary Suit No. 3773 of 2010 (High Court Suit No. 1398 of 2010) is stayed on condition that applicant to deposit entire decretal amount including interest and costs, if any, in this Court within one week from today, failing which civil application shall stand dismissed without referring back to the court .

b) If amount is deposited within stipulated time as stated herein above, the liberty granted to the respondents plaintiffs to prefer an appropriate application, if they so desire, for withdrawal of amount and that application will be decided on its own merits.

c) Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**