

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

**CIVIL APPLICATION NO. 2707 OF 2015
IN
FIRST APPEAL (ST.) NO. 29117 OF 2014**

The Union of India & Ors. ... Applicants.
V/s.
Dr. Asha Manohar Joshi & Anr. ... Respondents

Mrs. S. I. Shaikh with Purnima Awasthi i/b S.I. Shaikh & Co. for the applicants.
Mrs. Kalyani Tulonkar i/b S. B. Deshmukh for respondent nos. 1 & 2.

**CORAM : K. K. TATED, J.
DATED : 14/08/2015.**

P.C.:

. Heard learned Counsel for the parties.

2 This application is preferred by defendant no.1 and defendant no.6 for stay of operation and implementation of the decree dated 27.03.2014 passed by Bombay City Civil Court at Bombay in suit no. 7651 of 1985 (High Court No. 1586 of 1985) by which the Trial Court held that the plaintiffs are entitled to sum of Rs.5,60,000/- with 6% interest per annum from the date of filing of the suit till realisation of amount.

3 The learned Counsel for the applicants submits that Trial Court erred in coming to the conclusion that the respondents plaintiffs are entitled to sum of Rs.5,60,000/-. She submits that being Union of India this Court instead of directing them to deposit the entire amount, they

are ready and willing to provide security to that effect. She submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation decree passed by the Trial Court till the hearing and final disposal of the First Appeal. She further submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to the applicant.

4 On the other hand, the learned Counsel for the respondents plaintiffs vehemently opposed the present Civil Application. She submits that the plaintiffs filed the suit no. 7651 of 1985 for recovery of compensation of Rs.7,50,000/- with interest. She submits that instead of allowing the entire claim, the Trial Court has awarded only Rs.5,60,000/-. She submits that in the interest of justice, this Hon'ble Court be pleased to direct the applicant to deposit the entire decretal amount and allow the respondents plaintiffs to withdraw the same.

5 I heard both the sides at length. Considering the fact that the Trial Court has passed money decree, the applicants have to deposit the entire decretal amount in this Court.

6 Considering these facts, the following order is passed:

a) The operation and implementation of impugned decree dated 27.03.2014 passed by the Bombay City Civil Court at Bombay in Suit No. 7651 of 1985 is stayed till the hearing and final disposal of the First Appeal on condition that applicants Union of India have to deposit the entire decretal amount with interest and costs if any in the Registry

of this Court within 8 weeks 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, liberty granted to the respondents plaintiffs to prefer appropriate application, if they so desire, for withdrawal of amount and that application shall be decided on its own merits.

c) If amount is deposited within stipulated time as stated herein above, the Registry 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.)