

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

***CIVIL APPLICATION NO. 4647 OF 2013
IN
FIRST APPEAL NO. 1781 OF 2013***

Prasad Uttamrao Patil

... Appellant

v/s

Sadashivrao Mandlik Kagal Taluka
Sah. Sakhar Karkhana Ltd.

... Respondent

Mr.Nilesh Patil for the applicant.

Mr.S.R. Ganbavale for respondent.

CORAM: K.K.TATED, J.

DATED : 21 JANUARY 2015

PC.:

Heard learned counsel for parties.

2 This civil application is preferred by the original defendant for stay of the operation and implementation of the judgment and decree dated 25 June 2013 passed by the Joint Civil Judge, Sr. Divn., Kolhapur in Special Civil Suit No.43 of 2007 directing the applicant to pay compensation of Rs.33,30,000/- with interest at the rate of 9% per annum to the respondent/original plaintiff.

3 Considering the submissions made by the learned counsel for the applicant and as the Trial Court has passed money decree, stay can be granted only on condition that the applicant to deposit the entire decretal amount in Trial Court within the stipulated time.

4 Liberty granted to the respondent/original plaintiff to take out appropriate application for withdrawal amount. That application will be decided on its own merits.

5 Hence, the following order :-

O R D E R

(A) Civil application is allowed in terms of prayer clause (d) on condition that the applicant to deposit the entire decretal amount in Trial Court within 16 weeks from today failing which the civil application shall stand dismissed without referring back to the Court. Prayer clause (d) reads thus -

“(d) That, pending the hearing and final disposal of the appeal, the implementation, operation and execution of the judgment and decree dated 25.6.2013 passed by the Joint Civil Judge, Sr. Division, Kolhapur, at Kolhapur, in Special Civil Suit No. 43 of 2007, kindly be stayed.”

(B) If the amount is deposited within the stipulated period as

stated above, the Trial Court is directed to invest the said amount in any nationalized bank initially for a period of one year and same be continued till the hearing and final disposal of the first appeal.

(C) Liberty granted to the respondent/original plaintiff to prefer an appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

(D) Civil application stands disposed of accordingly.

(K.K.TATED, J.)