

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

CIVIL APPLICATION NO.4313 OF 2014
IN
FIRST APPEAL NO.1490 OF 2014

State of Maharashtra

...Applicant

V/s.

Mr. Rajeev Keshav Joshi

...Respondent

Mr. A. R. Patil, AGP for the Appellant
Mr. Kishor S. Patil for the Respondent.

CORAM: K.K. TATED, J.
DATED : JANUARY 9, 2015

P.C. :

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.
2. By consent, the Civil Application is taken up for hearing. By this Civil Application, the original Defendant seeks stay of the operation and implementation of the impugned judgment and decree dated 21/03/2014 passed by the Civil Judge, Senior Division, Kalyan in Special Civil Suit No.77/2010 directing the Appellant to pay sum of Rs.1 lacs with 6% p.a. interest towards damages/compensation for degradation to the Respondent original Plaintiff.
3. The learned AGP for the Applicant submits that they are ready

and willing to deposit the entire decretal amount in the Trial Court within 8 weeks from today. Statement is accepted.

4. 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, liberty granted to the Respondent original Plaintiffs to prefer an Application for withdrawal of the same, if they so desire which will be decided on its own merits.

5. The Civil Application is allowed as under:

A) The operation and implementation of the impugned Judgment and decree dated 21/03/2014 passed by the learned Civil Judge, Senior Division Kalyan in Special Civil Suit No.77/2010 is stayed on a condition that the Applicant to deposit the entire decretal amount in the Trial Court within 8 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

B) If the amount is deposited within stipulated time as stated hereinabove, the Trial Court is directed to invest the same in a fixed deposit account of any nationalized bank, initially for a period of one year which shall be renewed from time to time till further orders.

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

D) Civil Application stands disposed off accordingly.

(K.K. TATED, J.)