

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4116 OF 2014
IN
FIRST APPEAL (ST.) NO.29302 OF 2014

Union of India,
Through Secretary, Ministry of Finance,
W/H Bhavan, New Delhi & Ors.

.... Applicants

V/s.

Gagret Woolen Mills Pvt. Ltd., Punjab

.... Respondent

Mr. Y.R. Mishra a/w. Mr. Jitendra B. Mishra,
for the Applicants.

Mr. Vaibhav Karnik for the Respondent.

CORAM : ABHAY S. OKA &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 6TH APRIL, 2015.

P.C. :

1. Heard learned Counsel appearing for the Applicants and learned Counsel appearing for the Respondent.

2. In terms of the ad-interim order dated 9th January, 2015, Applicants have deposited a sum of Rs.10,00,000/- in this Court. The impugned Decree is a money decree. Therefore, as a condition for grant of stay, the

Applicants will have to deposit the entire decretal amount as a condition for grant of stay. After the entire decretal amount is deposited, the Respondent is permitted to withdraw the entire amount on furnishing adequate security. Hence, we dispose of this Civil Application by passing the following order :-

- (i) There will be interim relief in terms of prayer clause (a), subject to condition of the Applicants depositing in this Court the entire decretal amount payable as of today within a period of two months from today. The Applicants will be entitled to adjust the sum of Rs.10,00,000/- already deposited in this Court;
- (ii) If the balance decretal amount is not deposited within the stipulated period of two months, the stay granted shall stand vacated without further reference to the Court;
- (iii) If the amount is deposited within the stipulated time, it will be open for the Respondent to

withdraw the entire amount, subject to furnishing adequate security for the entire amount to the satisfaction of the Registrar (Judicial-I).

- (iv) We make it clear that Registrar (Judicial-I) shall not accept the security without giving an opportunity of being heard to the Applicants.

3. The Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ABHAY S. OKA, J.]