

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.316 OF 2015
IN
FIRST APPEAL NO.2279 OF 2007

M/s.Kelga Techno Sales Pvt. Ltd. ... Applicant/Appellant

Vs.

Kirloskar Electronic Com. Ltd. ... Respondent

Mr.T.J. Pandian for the Applicant/Appellant
Mr.V.Mannadiar i/b M/s.Mannadiar & Co. for Respondents

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 14th OCTOBER, 2015

P.C.:

1. This application is moved with two prayers – one, that this appeal is to be expedited and two, that the proceedings before the execution Court i.e., 59 of 2014 in Special Civil Suit No.324 of 1997 in the file of C.J.S.D., Pune, be stayed. The learned Counsel for the applicant submits that the applicant has good case on merits. He submits that evidence of the applicant i.e., the original defendant, was not properly appreciated by the trial Court and hence, the appeal is to be heard expeditiously. He submitted that respondents / decreeholders have taken out execution proceedings and if in the execution proceedings further steps are taken, the applicant/appellant will be at a loss and the appeal will be infructuous.

2. The learned Counsel for the respondents pointed out the order dated 18.2.2010 passed by the Division Bench of this Court thereby directing the appellants to deposit the entire decretal amount alongwith the interest accrued thereon and subject to compliance of the said condition, stay was granted. It is submitted by the learned Counsel for the respondents that no amount is deposited till today. Hence, the execution proceedings are taken out by the respondents. The learned Counsel for the appellant confirms that till today, no amount is deposited by the applicant/appellant pursuant to the order dated 18.2.2010.

3. In view of these facts and as the order of the Division Bench of this Court while granting conditional stay is not complied with and also since it is a money suit, I am not inclined to grant any relief as prayed for in this application.

4. Civil Application is therefore dismissed.

(MRIDULA BHATKAR, J.)