

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

FIRST APPEAL NO.252 OF 2014

(Ashwin s/o Chandrakant Gadhia (Patel) and another ..vs.. Sushil s/o Satpal Agrawal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 12-1-2015

Heard Shri R.R. Vyas, the learned Advocate for the appellants, Shri P.N. Wajurkar, the learned Advocate for the respondent.

Admit.

Shri P.N. Wajurkar, the learned Advocate, waives service of notice on behalf of the the respondent.

Civil Application (CAF) No.622 of 2014.

The appellants do not dispute that loan of Rs.3,00,000/- was taken by them from the respondent. The appellants are directed to deposit the decretal amount with the Registry of this Court till 15-5-2015. If the amount is deposited within stipulated time, there shall be stay to the execution of the impugned decree. Out of the amount, that will be deposited by the appellants, the respondent is permitted to withdraw the amount of Rs.5,00,000/-. The balance amount shall be invested in fixed deposit in a Nationalised Bank initially for a period of three years, to be renewed every year till

the decision of the appeal.

The civil application is not in consonance with the provisions of Order XLI Rule 5 of the Code of Civil Procedure. The appellants shall deposit Rs.500/- with the High Court Legal Services Sub-Committee, Nagpur for the lapse on their part. The amount be deposited and the receipt of it be produced on the record of this appeal till 30-1-2015, failing which the interim order shall stand vacated without reference to the Court.

The civil application is disposed in the above terms.

JUDGE

pma