

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

**C.A.F.NO. 65 & 66/2015 IN F.A.NO. 47/2015.**

M/s. Dashmesh Road Construction Co. Pvt. Ltd. And another.

**-VERSUS-**

Gurugovindsingh Construction Co. Pvt. Ltd.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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**CORAM : B.P.DHARMADHIKARI &  
S.B.SHUKRE, JJ.**

**DATE : MARCH 30, 2015.**

Heard Shri Rajendra Raghuwanshi with  
Shri B.N. Jaipurkar, learned counsel for the  
applicant/appellant and Shri J.B. Gandhi, learned  
Counsel for the respondents.

2. Perused copy of memorandum of  
understanding shown to this Court as also the  
impugned judgment and decree.

3. There is some inconsistency in the  
notice and document listed in Annexure-I with the

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said memorandum. However, the plaintiff apart from challenging Annexure-I, as appended to memorandum, has not assisted the trial Court in any way in finding out the correct documents.

4. In this situation, considering the fact that the decree is a money decree, we direct the appellant/applicant to deposit 75% of the same with the Registry of this Court within a period of eight weeks from today. A Bank Guarantee for remaining 25% shall also be submitted on usual terms to the Registry of this Court within a period of 12 weeks. The said Bank Guarantee shall contain a stipulation that it shall remain valid till it is discharged by this Court.

5. Till this Court passes further orders on any application for withdrawal, the amount received shall be invested in a fixed deposit initially for a period of 90 days.

6. This order shall be looked into while considering the request for withdrawal, if any, made by the respondents.

7. Subject to this, there shall be stay to

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the execution of the impugned judgment and decree.

8. Civil Applications are accordingly disposed of.

Rgd.

**JUDGE**

**JUDGE**