

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4061 OF 2015
IN
FIRST APPEAL NO. 1254 OF 2015**

Maharashtra Jeevan Pradhikaran & Anr.

..Applicants

Vs.

M/s. C. R. Constructions & Ors

..Respondents

Mr. Ajit Ram Pitale for the Applicants

Mr. P. R. Arjunwadkar for the Respondent No.1

CORAM : R. M. SAVANT, J.

DATE : 28th JULY, 2016

P.C.

1 The above Civil Application has been filed seeking interim stay of the decree passed by the Trial Court dated 6-6-2015. By the said decree the Applicants are liable to pay an amount of Rs.1,02,01,671/- alongwith interest. The total amount as on date comes to Rs.1,92,36,270/-. The Learned Counsel appearing on behalf of the Applicants has prepared a chart showing the heads under which various amounts have been awarded to the Plaintiff.

2 With the assistance of the Learned Counsel appearing for the Appellants I have gone through the said chart. In my view, it would be just and proper if interim stay in terms of prayer clause (a) is granted on the condition that the Applicants / Appellants deposits an amount of Rs.75,00,000/- with commensurate interest awarded by the Trial Court and furnishes the bank

guarantee for the balance amount along with interest. Hence the following order :

(i) The Applicants / Appellants to deposit an amount of Rs.75,00,000/- out of the principal amount of Rs.1,02,01,671/- in the Trial Court with commensurate interest thereon within 12 weeks from date.

(ii) For the balance remaining amount of Rs.27,00,000/- alongwith commensurate interest, the Applicants / Appellants to furnish a bank guarantee within 12 weeks from date.

(iii) This deposit is directed to be made in view of the fact that there is a money decree in favour of the Plaintiffs i.e. the Respondents herein.

(iv) The execution proceedings being Regular Darkhast No.43 of 2015 would stand stayed. It is made clear that if the compliance is not made of the directions as contained in the instant order, the interim stay which is in operation would cease to operate.

(v) It will be open for the Respondents to file an application for withdrawal which would be considered on its own merits and in accordance with law.

3 The Learned Counsel appearing on behalf of the Respondents fairly accedes to the deposit to be made by the Applicants / Appellants in terms of the instant order.

4 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]