

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4560 OF 2016
IN
FIRST APPEAL (STAMP) NO. 27998 OF 2016**

Kanchan India Limited	...	Applicant/ Appellant
Versus		
M/s.Sapphire Products	...	Respondent

Mr.Sanskar Marathe i/b. M/s.H.& M. Legal Associates for
Applicant/Appellant.
Mr.K.Shroff with Ms.S.Choudhary i/b.M/s.Dhruv & Co. for Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25TH OCTOBER, 2016.

P.C. :

1] This is an application seeking stay to the execution of the judgment and decree dated 24th December, 2013 passed in Suit No.3590 of 2013 by City Civil Court, Mumbai.

2] It is submitted that as suit proceeded *ex-parte*, on the count that applicant has refused to accept the summons, the applicant came to know about the decree only when he received the notice of execution application, immediately he has approached the executing Court and executing Court has granted stay upto 27th October, 2016. It is urged by the learned counsel for the applicant that it being a money decree applicant is

ready to deposit the entire decretal amount in the Court. However, he may be granted the period of four weeks.

3] Heard the learned counsel for the respondent also. Considering that the applicant is ready to deposit the entire decretal amount, the stay is granted to the execution of the impugned judgment and decree subject to the applicant depositing entire decretal amount within four weeks from today. On failure of the applicant to deposit the entire amount within the stipulated period of time, the stay granted will stand automatically vacated without further reference to this Court.

4] On deposit of the said amount in this Court, the Registry to invest the same in any “Nationalized Bank” initially for a period of one year, to be renewed thereafter, from time to time till decision of this appeal.

5] Civil Application is disposed of accordingly.

(DR.SHALINI PHANSALKAR-JOSHI, J.)