

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 463 OF 2015
WITH
CIVIL APPLICATION NO. 488 OF 2015 IN F.A. NO. 463 OF 2015**

Anil Metal Corporation ... Appellant/Applicant.
Vs.
The Board of Trustees of the Mumbai
Port Trust ... Respondent

Mr. Nishant Sasidharan a/w. Mr. Haresh Behony, Mr. Nakul Jain, Ms. Santhwana Arun i/b. Maniar Srivastava Associates, Advocate for the appellant/applicant.

Ms. Jasmine Upadhye i/b. M.V. Kini & Co., Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: 15th January, 2016.

P.C.:

Admit.

Civil Application No.488 of 2015

The learned counsel for the applicant submitted that the judgment and order dated 24th September, 2014 passed by the learned Judge of the City Civil Court, Mumbai in Suit No. 9845 of 1987 be stayed. He submitted that the appellant has deposited the principal amount in the High Court.

2. The learned counsel for the respondent/decreed holder opposed the Application. She submitted that she may be allowed to withdraw the amount, as the appellant has no case in Appeal.

3. In view of the fact that the appellant has deposited the principal amount and First Appeal is admitted today, the execution and operation of the impugned judgment and order is hereby stayed pending Appeal.

4. Civil Application is disposed of.

5. Registrar (Judicial) is directed to invest the said amount in the fixed deposit in any nationalized bank.

(MRIDULA BHATKAR, J.)