

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

**FIRST APPEAL NO. 223 OF 2017
WITH
CIVIL APPLICATION NO. 793 OF 2017
IN
FIRST APPEAL NO. 223 OF 2017**

M/s. Ruchi Soya Industries Ltd. ... Appellant
V/s.
M/s. Dalmiya Finance Ltd. ... Respondent

Mr. Vishwabhashan Kamble i/b Jayakar & Partners for the Appellant.

**CORAM : M.S. SONAK, J.
DATE : 29th MARCH, 2017.**

P.C. :

1 Heard Mr. Vishwabhashan Kamble for the appellant.
He states that service upon the respondent has been completed by private service and an affidavit of service is filed to this effect.

2 Since, this is a First Appeal which requires consideration, therefore, it is admitted.

3 In so far as interim relief is concerned, Mr. Kamble points out that appellant has already deposited in this Court, a sum of Rs.18,00,000/- in terms of order dated 10.03.1998 made by the

Division Bench of this Court in Appeal No.201 of 1998. He submits that the impugned decree, infact directs payment of sum of Rs.17,63,956/- from out of said deposit amount of Rs.18,00,000/- to the respondents.

4 In the aforesaid circumstances, there shall be a stay on the execution of impugned decree. However, the amount of Rs.18,00,000/-, shall continue to remain deposited in this Court until further orders. Further, in case the respondent/decreed holder seeks to withdraw the said amount or any portion of the said amount, liberty is granted to them to apply for such withdrawal. Such application, shall be considered on its own merits and in accordance with law, particularly as regards the aspect of furnish of security, in case, withdrawal is to be permitted.

5 The Civil Application No.793 of 2017 is disposed of.

6 The appellant to take steps to serve the respondent once again after the admission of the Appeal.

(M.S. SONAK, J.)