

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1669/2017  
IN  
SECOND APPEAL (ST) NO.15631/2017

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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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Ms. Jyotsna N. Pandhi for the applicant  
Mr. Rahul D. Motkari for the respondent

**CORAM : K. K. TATED, J.**  
**DATE : DECEMBER 12, 2017**

**P.C.:**

1. Heard. This Application is made by the original Defendant for stay of the operation and implementation of the judgment and decree dated 09.12.2015 passed by the learned District Judge – VIII, Nasik in appeal No.38/2010.

2. The learned counsel for the Applicant submits that the appellate court, by the impugned judgment and decree held that the Respondent - Plaintiff is entitled to recover sum of Rs.1,06,650/- towards A/c.No.5724 plus Rs.1,07,092/- towards A/c.No.6488 i.e. total sum of Rs.2,13,742/- along with interest @ 6% p.a. from 12.10.2017 till realisation of the amount. She submits that the

Applicant has good chance of success in the matter. She submits that in the interest of justice this Hon'ble Court be pleased to stay the impugned judgment and decree till hearing and final disposal of the Second Appeal.

3. After arguing for some time, the learned counsel for the Applicant, after taking instructions from the officer who is present in court makes a statement that they are ready and willing to deposit the entire decretal amount with interest and cost in the trial court within four weeks from today. The statement is accepted.

4. Considering the submissions and the statement made by the learned counsel for the Applicant, following order is passed.

a. The operation and implementation of the impugned judgment and decree dated 09.12.2015 passed by the learned District Judge – VIII, Nasik in appeal No.38/2010 is stayed on condition that the Applicant to deposit entire decretal amount along with interest in the trial court on or before 10.01.2018 failing which the Civil Application shall stand dismissed without further reference to the court.

b. If amount is deposited within stipulated time as stated hereinabove, liberty granted to the Respondent to make an appropriate Application for withdrawal of the same which will be decided on its own merits.

c. In case the Applicant fails to deposit the said amount, the Respondent is free to proceed with the execution proceedings on merit.

d. Civil Application stands disposed of accordingly.

**JUDGE**