

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.F. No. 61/2017 IN FIRST APPEAL NO. 764/2016

KAMLESH DASHRATH FOKMARE -vs- ABRAR SHAH GULAB SHAH AND OTHERS

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri K.J. Tapale, Adv. H/F Shri S.D. Chopde, counsel for
appellant.

Shri A.S. Siddique, Adv. H/F Shri A.B. Mirza, counsel for
respondent nos.1 to 5.

CORAM : DR S.S.PHANSALKAR-JOSHI, J.

DATE : JUNE 09, 2017

This is an application for restoration of the
stay order.

It is submitted that as per the order passed by
this Court on 20-09-2016, stay was granted to the
execution of the judgment and award subject to amount
of compensation being deposited in the court within two
months. However, though the appellant deposited the
said amount by cheque within stipulated period, the
cheque was dishonoured for the reason “insufficient
funds”. Now it is submitted that earlier there was ground
for dishonour of the cheque as the appellant’s son was
suffering from Cancer and appellant was mentally
disturbed and was busy in attending him, therefore, he
was having insufficient fund in his account. However,
now he has ensured that there are sufficient funds in the
account.

Hence, in the interest of justice, this

application is allowed subject to appellant should deposit the entire amount of compensation within a period of 2 weeks from today.

Subject to abovesaid condition, stay is granted to the execution of the impugned judgment and award. Needless to state that, if appellant is failed to deposit the entire amount within stipulated period of 2 weeks, stay will automatically vacated without reference of this court.

Application is disposed of accordingly.

JUDGE