

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

CIVIL APPLICATION (CAS) NO.955 OF 2017
IN
SECOND APPEAL NO.381 OF 2015

Radheshyam s/o Anandrao Bhure and ors.

-vs-

The Maharashtra State Electricity Board, Thr. The Executive Engineer, Bhandara, O & M
Division, Bhandara.

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

Court's or Judge's Orders.

Shri N. G. Solao, Advocate for applicants/appellants.
Shir R. E. Moharir, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : September 05, 2017

By this application it is prayed that the decree passed by the first appellate Court directing the present appellants to pay a sum of Rs.1,78,050/- to the respondent be stayed. In support of the application it is submitted that the suit itself was barred by limitation and hence the decree for recovery of aforesaid amount could not have been passed. It is further submitted that the appellants have no other source of income except the rice-mill that was being run by them.

The application is opposed by learned counsel for the respondent on the ground that both the Courts have concurrently found the liability of the appellants.

Considering the nature of decree passed, its execution is stayed subject to the appellants depositing

50% of the decretal amount in this Court within period of eight weeks from today. On such deposit the aforesaid amount shall stand invested in fixed deposit.

Civil application is disposed of.

JUDGE