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

**CIVIL APPLICATION NO.636 OF 2018
IN
APPEAL FROM ORDER NO.536 OF 2016**

Javed Ahmed Mohd. Tauheed Shaikh	...	Applicant.
V/s.		
Athaali Muzafarali Khan	...	Respondent

Ms. Seema Sarnaik, for the Applicant.
Mr. V.R. Tripathi, for respondent

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 3rd SEPTEMBER, 2018.

P.C. :

1] This application is filed to peremptorily fix the Appeal from Order No.536 of 2016, for final hearing.

2] Learned counsel for respondent points out that as per order passed by this Court on 5.4.2016, the execution of the impugned decree is stayed, subject to appellant depositing in this Court the entire decreetal amount with costs, within a period of four weeks from that date. In case of default in making deposit of entire amount, ad interim relief was directed to be vacated.

3] It is contended by learned counsel for respondent that the appellant has not deposited the entire decreetal amount which is to

the tune of Rs.26 lacs. Learned unseal for appellant, fairly concedes that the amount is not deposited.

4] In view thereof, there is no question of expediting the hearing of this Appeal from Order or peremptorily fixing the date for final hearing.

5] Hence Application stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]