

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.610 OF 2018
IN
FIRST APPEAL NO.849 OF 2017

India Tin Industries Pvt. Ltd., Bangalore	 Applicant
<i>In the matter between</i>	
India Tin Industries Pvt. Ltd., Bangalore	 Appellant
<i>V/s.</i>	
Modi Metal, Mumbai.	 Respondent

Mr. Ramgopal S. Tripathi for the Applicant-Appellant.

Mr. Jay S. Yadav, I/by M/s. J.R. Vakil & Associates, for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Tripathi, learned counsel for the Applicant-Appellant, and Mr. Yadav, learned counsel for the Respondent.

2. The Appeal is preferred challenging the impugned 'Decree' passed by the City Civil Court, Mumbai. According to learned counsel for the Applicant-Appellant, the Trial Court has not properly calculated the interest on the principal amount. However, as the stay is sought to the impugned Decree, it cannot be granted without deposit of the compensation amount in the Tribunal.

3. Hence, the stay is granted to the execution of the 'Decree', subject to deposit of, at-least, 50% of the entire amount of compensation, with interest accrued thereon, as directed by the Trial Court, within a period of four weeks from today, failing which the stay will stand automatically vacated, without any further reference to the Court.

4. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]