

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

WRIT PETITION NO.185 OF 2018

National Eggs Sales Center
through Proprietor

1. Parshuram Pandurang Tike
(since deceased) through Lrs.

1A.Sunanada Parshuram Tike & Ors. .. Petitioners

Vs.

Chitra Chiken Center .. Respondent

Mr.Kalpesh Patil for the petitioners.

None for the respondent.

CORAM : R.D. DHANUKA, J.

DATE : 28th August 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 25th September 2017 passed by the District Judge, Pune granting conditional stay to the execution of the judgment and decree dated 18th July 2012 passed in Special Civil Suit No.310 of 2006 in favour of the petitioners on the condition that the applicants deposit an amount of Rs.12 lakhs within two months from the date of the said order i.e. 25th September 2017. Decree passed against the petitioners in the sum of Rs.23,25,000/- was inclusive of interest. The principal amount was of Rs.10 lakhs.

2. Learned counsel for the petitioners states that his clients would deposit a sum of Rs.12 lakhs in two installments i.e. Rs.6 lakhs within two weeks from today and remaining Rs.6 lakhs within two months from today before the Executing Court. Statement made by the

learned counsel for the petitioners is accepted as an undertaking to this Court.

3. I am thus not inclined to interfere with the impugned order dated 25th September 2017. Learned Executing Court shall execute the decree only if the amount is not deposited by the petitioners in the manner aforesaid. It is made clear that if the petitioners commit even first default in making deposit of Rs.6 lakhs within two weeks from today, the Executing Court would be permitted to execute the decree for the entire amount.

4. Writ petition is disposed of with aforesaid clarification. No order as to costs.

R.D. DHANUKA, J.