

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4905/2016
IN
FIRST APPEAL NO.215/2018

Pune Municipal Corporation ... Applicant
V/s.
M/s. Rajdeep Buildcon Pvt. Ltd. ... Respondent

Mr. Atul Damble, Senior Advocate a/w. Sameer Khedekar i/b.
Vishwanath Patil for the Applicant
Mr. Surel S. Shah i/b. N. V. Khaladkar for the Respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**
DATED : JUNE 12, 2018

PC. :

1 Heard. By this Civil Application, the Defendant seeks stay to the operation and implementation of the judgment and decree dated 22.10.2015 passed by the Civil Judge, Senior Division, Pune in Special Civil Suit No. 2555/2010 directing the Applicant to pay sum of Rs.33,17,669/- to the Respondent Plaintiff along with interest @ 12% p.a. From 01.12.2008 upto realisation of the entire amount.

2 The learned counsel for the Applicant submits that they have already deposited the entire decretal amount in the trial court. The statement is accepted. This fact is not disputed by the learned counsel for the Respondent Plaintiff.

3 Considering the submissions made by the learned counsel for the parties and as the entire decretal amount is deposited, we are satisfied

that the Applicant has made out a case for allowing the Civil Application.

4 At the same time, as the money decree is passed by the Trial Court, liberty granted to the Respondent to make an appropriate Application for withdrawal of the said amount which will be decided on merits.

5 Hence, following order is passed:

a. The operation and implementation of clause (2) of the judgment and decree dated 22.10.2015 passed by the Civil Judge, Senior Division, Pune in Special Civil Suit No. 2555/2010 is stayed till hearing and final disposal of the First Appeal. Clause (2) reads thus:

“(2) The Defendant do pay the Plaintiff Rs.33,17,669/- (Rs. Thirty Three Lacs Seventeen Thousand Six Hundred & Sixty Nine only) along with interest @ 12% p.a. From dt. 1/12/2008 upto realisation of entire amount.”

b. The Trial Court is directed to invest the said amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c. Respondent Plaintiff is granted liberty to make an appropriate Application for withdrawal of the amount which will be decided on merits.

d. Civil application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)