

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

SECOND APPEAL NO.61 OF 2018

Zanak s/o Maroti Bhoyar and anr.

-vs-

Yeshwant s/o Laxman Ramteke

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

Court's or Judge's Orders.

Shri D. V. Mahajan, Advocate for appellants.

Shri A. S. Sirsikar, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : October 12, 2018

Heard.

Admit on the substantial question of law as framed
on 30/07/2018.

Shri A. S. Sirsikar, learned counsel waives notice on
behalf of the respondent.

Call for record and proceedings.

Civil Application (CAS) No.459 of 2018

By this application it is prayed that the execution of
the impugned decree be stayed during pendency of the
appeal. The appellate Court while refusing the relief of
specific performance has directed the applicants to
refund the earnest amount of Rs.4,00,000/-

The application is opposed by the non-applicant on
the ground that since a money decree is passed, there is
no reason to stay the execution.

The execution of the impugned decree is stayed
during pendency of the appeal subject to the applicants

depositing the amount of Rs.2,00,000/- in this Court within period of twelve weeks from today. The amount of Rs.1,00,000/- has already been deposited by the applicants before the executing Court. The balance amount of Rs.1,00,000/- be deposited within aforesaid period. After deposit that amount shall be invested in Fixed Deposit.

Civil Application is allowed and disposed of.

Civil Application (CAS) No.1130 of 2018

In view of orders passed on Civil Application No.3612/2018 this application does not survive. Same stands disposed of.

JUDGE