

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

SECOND APPEAL NO.546 OF 2017

Motilal s/o Alasing Pawar (Deceased) thr. LRs Lata wd/o Motilal Pawar and ors.

-vs-

Dilip Umakant Puri, Darwha, Dist. Yavatmal.

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

Court's or Judge's Orders.

Shri A. S. Deshpande, Advocate for appellants.
Shri A. R. Chauhan, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : June 25, 2018

Heard.

Admit on the following substantial question of law :

*“ In the light of the law laid down in **Zenna Sorabji & ors. vs. Mirabelle Hotel Com. (Pvt.) Ltd. & ors. (AIR 1981 Bombay 446)**, whether the suit for recovery could have been decreed without producing the books of accounts despite the order being passed below Exhibit-54 by the trial Court ?”*

Shri A. R. Chauhan, learned counsel waives notice on behalf of the respondent.

Civil Application No.286 of 2017

The applicants pray that execution of the decree be stayed during pendency of the appeal.

The application is opposed by the respondent by filing reply.

Considering the nature of decree passed by the trial Court, its execution is stayed subject to the applicant depositing in this Court an amount of Rs.50,000/- within period of eight weeks from today.

Civil Application is allowed and disposed of.

JUDGE