

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**35 CIVIL APPLICATION NO. 14285 OF 2018
IN FAST/35978/2018**

**SACHIN SHASHIKANT GHOTANKAR
VERSUS
BABURAO PANDURANG KALE**

...
Advocate for Applicant : Shri Yogesh B. Bolkar
Advocate for Respondent : Shri R.L.Kute h/f. Shri N.D.Sonavane

...
CORAM : P.R. BORA, J.
Date: January 14, 2019

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PER COURT :-

1 Heard learned Counsel for the applicant and learned Counsel appearing for the respondent.

2 It is brought to the notice of this Court that the respondent has filed execution proceeding before the Executing Court. Learned Executing Court has seized the Motorcycle belonging to the present applicant.

3 The learned Counsel for the applicant submitted that substantial grounds are raised in exception to the impugned Judgment and decree. Learned Counsel, in the circumstances, has prayed for staying the implementation of the impugned decree.

4 In view of the fact that the decree impugned in the present appeal is a money decree, effect and operation of the said decree cannot be stayed unless entire amount under the said decree is deposited by the appellant – defendant.

5 The learned Counsel for the appellant submitted that the appellant is ready to deposit the entire decretal amount in this Court. In view of the submission so made, the following order is passed:-

ORDER

I) The execution of the decree impugned in the present appeal shall stand stayed subject to deposit of the entire decretal amount in this Court by the appellant within a period of four weeks.

II) It would be open for the appellant to file necessary application before the Trial Court for release of his vehicle after depositing the entire amount and the said application shall be considered on its own merits by the Trial Court.

(P.R. BORA, J.)