

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.576 OF 2019
in
FIRST APPEAL NO.169 OF 2019
in
SUMMARY SUIT NO. 7265 OF 2004**

HDFC Bank Limited Applicant
vs
Arcadia Shipping Limited ... Respondent

Mr.Rupesh Sohoni I.b.Mr.A.M.Marathe for Applicant
Mr.V.K.Ramabhadran Sr.Advocate with Mr.Subrakar
Malkar for Respondent

CORAM : K.K.TATED, J
DATE : 29th MARCH, 2019

P.C

Not on board. At the request of learned counsel for the applicant, matter is taken on board.

2. By this Civil Application the original defendant is seeking stay of the operation and implementation of the judgment and decree dated 27.9.2018 poassed by the Bombay City Civil, Bombay in Summary Suit No.7265 of 2004.

3. Learned counsel appearing on behalf of the applicant submits that he has received instructions from his clients that they are ready and willing to deposit the entire amount alongwith costs in the trial Court on or before 16.4.2019. Learned counsel for the applicant submits

that in the interest of justice, this hon'ble Court may be pleased to stay the operation and implementation of the Judgment and decree dated 27.9.2018 till the hearing and final disposal of the appeal.

4. On the other side, learned counsel for the respondents submits that the respondent may be permitted to prefer an application for withdrawal of the amount and that to be decided on its own merits. Hence, the following order:

O R D E R

(i) The operation and implementation of the judgment and decree dated 27.9.2018 passed by the Bombay City Civil Court, Bombay in Summary Suit no.7265 of 2004 is stayed till the final hearing and disposal of First Appeal on condition that the applicants to deposit the entire amount along with interest and costs if any, on or before 20.4.2019 failing which the Civil Application shall stand dismissed without reference to the Court.

(ii) The applicant to inform the date of deposit of the amount in the trial Court to the advocate for the respondents.

(iii) Liberty is granted to the respondent if they so desire to prefer a application for withdrawal of the amount and that will be decided on its own merits. If the application is not preferred within three months from today, the trial Court is directed to invest the amount in the Fixed deposit initially for a period of one year and same to be continue till

further orders.

Civil Application disposed of accordingly.

{K.K.TATED, J}