

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No.1027/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. V. P. Vaze for the Appellant Ms. Aditi Rungata i/b. P. Singhania for the Appellant

CORAM : K.K.TATED, J.
DATED : JULY 4, 2019

P.C.

1 Heard. By this appeal, the Appellant - Defendant challenges the judgment and decree dated 31.08.2016 passed by the Civil Judge, Senior Division, Daman in Special Civil Suit No. 40/2012 holding that the Appellant - Defendants are liable to pay sum of Rs.4,36,349/- to the Respondent - Plaintiff with interest @ 12% p.a. from the date of filing of the suit i.e. 31.08.2012.

2 The learned counsel for the Appellant submits that the Appellant - Defendant had filed Civil Application No.1281/2017 for stay of the operation and implementation of the impugned judgment and decree passed by the Trial Court. He submits that the Civil

Application was on board before this court (Coram : Mrs. Mridula Bhatkar, J.) on 06.09.2017. At that time, they had made a statement before this Court that they are ready and willing to deposit sum of Rs.3,50,000/- within two weeks. On the basis of this statement, this court had granted interim stay till 01.11.2017.

3 Thereafter the Civil Application No.1281/2017 stood dismissed for non compliance of conditional order dated 27.03.2018 passed by the learned Registrar (Judicial-II). Hence, as on today, there is no stay in favour of the Appellant.

4 In view of these facts, the Respondent can execute the decree according to law.

5 Considering the submissions made by the learned counsel for the Appellant and the impugned judgment and award, following order is passed:

a. **Admit.**

b. The Appellant to file private paper book within one year from today, with

copy to other side, failing which the First Appeal shall stand dismissed without further reference to the court.

c. Printing dispensed with.

d. Call R & P.

e. The learned counsel for the Respondent waives service.

(K.K.TATED, J.)