

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4101 OF 2017
IN
FIRST APPEAL (ST.)NO. 4296 OF 2017**

Air India Ltd. ... Applicant
V/s.
M/s.Videocon International Ltd. & Anr. ... Respondents

Ms. Shruti G. Potnis i/b Santosh Singh, Advocate for Applicant.
Mr.Amit Nikam i/b. Kamal & Co., Advocate for Respondent No.1.
Ms. Kavita Anchan i/b. M.V.Kini & Co., Advocate for Respondent No.2.

**CORAM : K. K. TATED, J.
DATED : 11th OCTOBER, 2019**

P.C.:

1. Heard learned counsel for the parties.
2. By this Civil Application, the applicant is seeking stay of operation and implementation of impugned Judgment and Decree dated 18th October, 2016 passed by Bombay City Civil Court at Bombay in S.C. Suit No. 8648 of 2013 holding that, the respondents/plaintiffs are entitled the sum of Rs. 10,19,433/- with interest @ 12% p.a. on the principal sum, from the date of suit, till realization of whole amount.
3. In the present proceeding, earlier this Court passed an order dated 1st March, 2019 directing the applicant to deposit the entire decretal amount within 6 weeks.

4. The learned counsel for the applicant submits that, it remained on their part to deposit the entire decretal amount. She submits that, applicants are ready and willing to comply the said order within 6 weeks from today. To that effect, advocate for applicant filed an affidavit dated 11th October, 2019 duly affirmed by Vijayanand J. Sonawane, Manager Commercial Department, Officer of Air India Ltd. stating that they are ready and willing to deposit the entire awarded amount within six weeks. Para no. 3 in the said affidavit read thus :

“3. I respectfully say and submit that Air India Ltd. The Appellants abovenamed, shall deposit the entire decretal amount as a condition precedent for admission of the First Appeal and the said amount will be deposited in the Reference Court, within six weeks from the date of filing of this affidavit.”

5. The learned counsel for the applicant submits that, in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of judgement and decree dated 13th October, 2016 pending the hearing and final disposal of First Appeal.

6. Considering the submissions made by the learned counsel for the applicant, earlier order dated 1st March, 2019 and the additional affidavit dated 11th October, 2019, I satisfy that, applicant has made out case for allowing this Civil Application. Hence, following order.

ORDER

(A) Civil application allowed in terms of Prayer clause 'a' which read thus :

a) That this Hon'ble Court may be pleased to stay the operation, effect and implementation of the Judgement and Order dated 18.10.2016 passed by the Ld. Judge in BCC Suit No.8648 of 1993 (H.C. Suit No. 703 of 1993)."

On condition that, applicant to deposit the entire decretal amount with interest in Trial Court within six weeks from today, failing which Civil Application shall stands dismissed without referring back to the court.

B) If amount is deposited within time, Trial Court is directed to invest the entire amount in fixed deposit of any nationalized bank initially for a period of one year and same to be continued till further order.

C) Liberty is granted to the respondents/plaintiffs to prefer appropriate application for withdrawal of amount and that will be decided on its own merits.

D) Civil Application stands disposed of accordingly.

E) No order as to costs.

(K.K.TATED, J.)