

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2187 OF 2017
IN
FIRST APPEAL STAMP NO. 7258 OF 2017

Bajaj Steel Industries Ltd. and anr. .. Applicants

In the matter between

Bajaj Steel Industries Ltd and anr. .. Appellants

Vs.

The Board of Trustees of the Port
of Mumbai and ors. .. Respondents

Mr.Kapil Moye a/w Mr.S.R.Page, for the Applicants.
Ms.Shruti Potnis a/w Ms.Lakshmi Bussa I/b M.V.Kini & Co., for
Respondent No.1.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Heard learned Counsel for parties.

2. By this Civil Application, applicant – defendant No.1
is seeking stay of the operation and implementation of the
impugned judgment and decree dated 23/12/2016 passed by

Bombay City Civil Court at Greater Mumbai in S.C.Suit No. 8051 of 2001 (High Court Suit No. 4386 of 2001) holding that the respondents – claimants are entitled a sum of Rs.9,71,084.82/-/- with interest @ 10% p.a.

4. Considering the submissions made by the learned Counsel for the applicants and averments made in the Civil Application and this being a money decree, the following order is passed.

ORDER

i) Civil Application is allowed in terms of prayer clauses (b) which read thus :

“(b) pending and hearing final disposal of the aforesaid First Appeal, this Honourable Court be pleased to stay the operation, execution and implementation of the impugned judgment and decree dated 23.12.2016 passed by the Judge, City Civil Court, Gr.Bombay in Short Cause Suit No. 8051 of 2001 (High Court Suit No. 4386 of 2001). ”

on condition that applicants to deposit the entire awarded amount along with interest in Trial Court on or before

11/10/2019, failing which Civil application shall stand dismissed without further reference to the Court.

(ii) If the amount is deposited within the stipulated time, the Trial Court is directed to invest the entire amount in a Fixed Deposit account of any Nationalised Bank, initially for a period of one year and the same shall be renewed till further orders.

iii) Liberty is granted to the respondent No.1 - original plaintiff, if they so desire, to prefer an application for withdrawal of the amount and that application to be decided on its own merits.

v) If amount is not deposited within time, the respondent No.1 – plaintiff is entitled to execute the decree according to law.

vi) Civil Application stands disposed of accordingly.

vi) No order as to costs.

(K.K.TATED, J.)