FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1484/2015
in
FIRST APPEAL NO.449/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders

Advocate Mr.Arvind Toral Ahuwala for appellant.
Adv. Ms Nishi Abuwala I/b Thakore Sauneala Associates for Respondent no.1.

CORAM : K. K. TATED, J
DATE : JULY 24, 2019.

P.C.:

Heard learned counsel for parties.

2 Learned Advocate for Respondent submits that She did not have any instructions, therefore, it is not possible to argue the matter.

3. By this civil application, the applicant/defendant is seeking stay of operation and implementation of judgment and decree dated 15/12/2014 passed by City civil Court, Bombay, in Summary Suit No.8234/1999 directing applicant to pay sum of Rs.13,46,400 with interest to Respondent/plaintiff.

4. Learned counsel for applicant submits that pending the hearing and final disposal of first appeal, operation and implementation of impugned judgment and decree be stayed. He submits that if stay is not granted irreparable loss would be caused to applicant. He submits that they have good chance of success.

5 It is to be noted that in the present proceeding, the trial court passed money decree. This can not be stayed without directing defendant to deposit the entire amount in trial court. Hence, the following order.

A) Civil application is allowed in terms of prayer clause (a) which is reproduced below on condition that,applicant has to deposit entire amount with interest in the trial court on or before 24.9.2019 failing which civil application shall stand dismissed without referring back to the court. Prayer clause (a) reads thus,

> "b)If the amount is not deposited within stipulated time as mentioned above, the trial court is directed to invest th said amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders."

B) Liberty granted to respondents/claimants if they so desire to prefer appropriate application for withdrawal of amount and that application will be decided on its own merits.

C)Civil application is disposed of.

D)No order as to cost.

(K.K.TATED, J.)