

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1923/2018

in

First Appeal (ST) No.7216/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mrs. J. Pathran for Sanjeev Kanchan &
Co. for the Applicant

CORAM : K.K.TATED, J.

DATED : JULY 9, 2019

P.C.

1 Pursuant to the praecipe filed by the learned counsel for the Applicant, the matter is taken on production board.

2 The learned counsel for the Applicant submits that by this Civil Application, the Applicant is seeking stay to the operation and implementation of the impugned judgment and decree dated 19.12.2017 passed by the Bombay City Civil Court at Mumbai in Suit No.7929/2000 by which the Trial Court held that the Plaintiff is entitled to sum of Rs.83,000/- with future interest @ 6% p.a.

3 The learned counsel for the

Applicant submits that this court, by order dated 18.06.2019 and 25.06.2019 directed the Applicant to deposit the entire decretal amount. He submits that they have already deposited the same on 04.07.2019 in the Trial Court. The statement is accepted.

4 The learned counsel for the Applicant submits that as they have already deposited the entire amount in the Trial Court, this Hon'ble Court be pleased to continue the interim relief granted by this court till hearing and final disposal of the First Appeal.

5 Considering the submissions made by the learned counsel for the Applicant and as the entire decretal amount is deposited by the Applicant in the Trial Court, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) that this Hon'ble Court be pleased to grant stay on the operation and implementation of the impugned judgment and decree dated 19.12.2017 passed by the Bombay City Civil Court at Mumbai in suit No.7929/2000 (High Court suit No.900/2000) till the final hearing of the appeal pending before this Hon'ble Court.”

b. The Trial Court is directed to invest the amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. Liberty granted to the Respondent / Plaintiff to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)