

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2651/2016
in
First Appeal No.1086/2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Kezer Kharawala I/b. LTX Juris for the Applicant Mrs. Pranjali Bhandari for Respondent No.1. Mr. Devashish Jagirdar I/b. Jayakar and Partners for Respondent NO.2.	

CORAM : K.K.TATED, J.
DATED : APRIL 22, 2019

P.C.

Heard. By this Civil Application, the Applicant - Defendant seeks stay to the operation and implementation of the judgment and decree dated 03.12.2015 passed by the Bombay City Civil Court, Mumbai in S.C.Suit No.9012/1993 holding that they are liable to pay sum of Rs.5,65,247/- with 6% p.a. interest to the Plaintiff from the date of filing the suit till realisation.

2 This being a money decree, it cannot be stayed without any condition.

3 Hence, the following order is passed:

a. The operation and implementation of the judgment and decree dated 03.12.2015 passed by the Bombay City Civil Court, Mumbai in S.C.Suit No.9012/1993 is stayed, subject to the Applicant depositing the entire decretal amount in the Trial Court on or before 29.07.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the amount is deposited within stipulated time as stated hereinabove the Trial Court is directed to invest the same in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

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

d. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)