

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

**CIVIL APPLICATION NO.2032/2019
IN
FIRST APPEAL (ST)NO.10841/2019**

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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Advocate Mr.Sudhakar Pandaram i/b Milind V. More for appliance/appellant.
Advocate Mr.SR Singh for Respondent no.1. .

**CORAM : K. K. TATED, J
DATE : AUGUST 9, 2019.**

P.C.:

Heard learned counsel for parties.

2. By this Civil Application, applicant is seeking stay of operation and implementation of Judgment and Award dated 24.7.2019 passed by City Civil Court, Bombay in L.C.Suit no.7292/1996.

3. Learned Advocate for applicant submits

that they already deposited entire awarded amount in trial court. Statement is accepted. He submits that pending the hearing and final disposal of First Appeal this Court be pleased to stay operation and implementation of impugned Judgment and Award dated 21.7.2018. He submits that if entire amount is withdrawn by Respondent by filing execution application, then nothing will survive in this proceeding.

4 Learned Advocate for Respondent vehemently opposed civil application. He submits that they also preferred civil application (stamp) No.22757/2009 for withdrawal of amount.

5 Considering the submissions made by learned counsel for applicant and as entire amount is deposited by them in trial court, I am satisfied that applicant has made out a case for following order.

- a) Civil application allowed in terms of prayer clause (a) which reads thus;

"a) To stay the execution of the Judgment and Award dated 24.7.2018 passed by the learned Bombay City Civil Judge, at Bombay in Suit No.7292/1996.

- b) Civil Application (Stamp) no. 22757/2019 filed by Respondent/plaintiff to be heard on its own merits.

- c) Liberty granted to applicant to file their reply if any, in Civil Application (Stamp) no.22757/2019 on or before 16.8.2019 with copy to other side.

- d) Registry is directed to place Civil Application No.22757/2019 for hearing on 21.8.2019.

- e) Civil application allowed accordingly.

(K.K.TATED, J.)