

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

**CIVIL APPLICATION NO.1965 OF 2018**

**IN**

**FIRST APPEAL NO.656 OF 2018**

|                                                                                                                             |                           |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office<br>Memoranda of<br>Coram,<br>Appearances,<br>court's orders or<br>directions and<br>Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|

Mr.K.P.Mali for the applicant

Ms.S.R.Waghmare i/b M/s.Mulani and Co. for  
the respondent

**CORAM : K. K. TATED, J**

**DATE : JULY 10, 2019**

**P.C.:**

. Not on board. At the request of the learned counsel for the Applicant, matter is taken on production board as per praecipe.

2 Heard.

3 The learned counsel for the Applicant submits that this court by order dated 11.06.2019 granted ad-interim relief on condition that Applicant to deposit entire decretal amount before this court. He submits that he already deposited entire

decreetal amount in the Registry of this court.  
Statement is accepted.

4 By this Civil Application, Applicant original defendant is seeking stay of the judgment and decree dated 31.08.2017 passed by Bombay City Civil Court at Bombay in L.C.Suit No.9951 of 1990 in S.C.Suit No.2298 of 1990 by which Trial Court directed defendant to pay sum of Rs.3,23,905/- with simple interest @ 6% p.a. from 16.6.1998 till institution of suit and future interest at the rate of 6% p.a. till realization of principle amount.

5 The learned counsel for the Applicant submits that in view of deposit of entire decreetal amount, this Hon'ble court be pleased to allow the present Civil Application.

6 Considering the submissions made by the the learned counsel for the Applicant and as entire amount is deposited by the Applicant in the Registry of this court, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed

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

"a) pending the hearing and final disposal of the Appeal, the

implementation and execution of the impugned Order and Judgment dated 31st August 2017 passed by His Honour Judge Shri S.M.Chandgade, presiding in Court Room No.20 of the Hon'ble City Civil Court at Bombay in Suit No.9951 of 1990, be stayed."

- B. Registry is directed to invest the entire amount in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- C. Liberty granted to the Respondent original plaintiff to prefer appropriate application for withdrawal of amount if they so desire and that application be decided on its own merits.
- D. Civil Application stands disposed of accordingly.
- E. No order as to costs.

( K.K.TATED, J. )