

Tikam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
 CIVIL APPLICATION No. 2953 OF 2015
 IN
 FIRST APPEAL No. 281 OF 2016

Hi-Tech Hospital and Health
 Care Corporation Ltd.

...Applicant

Vs.

Multibase India Ltd.
 represented Co. Secretary
 Shri Ashish Darak

...Respondent

Mr. M.S. Adenwala for Applicant

Ms. Aditi Yadav i/b. Mr. Ashok Purohit & Co. for Respondent No.1

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 16, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this civil application, the Applicant – Original Defendant is seeking stay of the operation and implementation of the impugned judgment and decree dated 9th June, 2014 passed by the Civil Judge, Senior Division, Daman in Special Civil Suit No. 65 of 2010 holding that the Respondent – Original Plaintiff is entitled for a sum of Rs.11,94,450/- with interest @ 18% from the date of filing of the suit till realization.
3. Learned counsel for the Applicant submits that they have good chances of success in the present matter. He submits that pending the hearing and final disposal of the First Appeal, the operation and implementation of the impugned judgment and decree dated 9th June, 2014 be stayed. He submits that if the stay is not granted, irreparable loss would be caused to them.
4. On the other hand, learned counsel appearing on behalf of the Respondent-Plaintiff has vehemently opposed the present civil

application. She submits that being a money decree, the Applicant should be directed to deposit the entire decretal amount in the Court.

5. I heard both the sides at length. I satisfied that the stay can be granted subject to depositing the entire decretal amount in the Court. Hence, following order:

ORDER

- (A) Civil Application is allowed.
- (B) The operation and implementation of the impugned judgment and decree dated 9th June, 2014 passed by the Civil Judge, Senior Division, Daman in Special Civil Suit No. 65 of 2010 is stayed till hearing and final disposal of First Appeal on a condition that the Applicant -Original Defendant to deposit the entire decretal amount in the Trial Court on or before 29th June, 2019, failing which the civil application shall stand dismissed without referring back to the Court.
- (C) If the amount is deposited within the stipulated time, the Trial Court is directed to invest the said amount in the fixed deposit of any nationalized bank initially, for a period of one year and same to be continued till further orders.
- (D) Liberty granted to the Claimant to make appropriate Application for withdrawal of amount and that Application be decided on its own merits.

Civil application stands disposed off accordingly.

[K.K. TATED, J.]