

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

**CIVIL APPLICATION NO.2596 OF 2019
IN
FIRST APPEAL NO.1151 OF 2017**

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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Mr.V.P.Vaze for the applicant

Ms.Priyamvada Singhania for the respondent

**CORAM : K. K. TATED, J
DATE : AUGUST 1, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original defendant is seeking stay of the operation and implementation of the impugned judgment and decree dated 31.8.2016 passed by Civil Judge, Senior Division, Daman in Special Civil Suit No. 39 of 2012 by which Trial Court directed Applicant to pay sum of

Rs.2,29,725/- along with interest @ 12% p.a. from the date of filing of Suit 31.08.2012.

3 The learned counsel for the Applicant submits that they already deposited sum of Rs.2,25,000/- on 16.9.2017 in Trial Court. He submits that he received instruction from the client that they are ready and willing to deposit remaining amount in the Trial Court within four weeks from today. Statement is accepted.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application on condition that Applicant are ready and willing to deposit remaining decretal amount in the Trial Court within four weeks from today. Hence, following order:

a) The operation and implementation of the impugned judgment and decree dated 31.8.2015 passed by Civil Judge, Senior Division, Daman in Special Civil Suit No. 39 of 2012 is stayed on condition that the Applicant to deposit the entire awarded amount with interest, cost, if any, excluding the amount already deposited in the Trial Court on or

before 31.8.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b) If amount is deposited within stipulated time as stated hereinabove, the Trial Court is directed to invest the said decretal 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 original plaintiff to make appropriate Application for withdrawal of amount if they so desire, and that to be decided on its own merits.

d) Execution proceeding filed by the Respondent bearing no.4 of 2019 is stayed for four weeks from today.

e) Civil application stands disposed off accordingly.

f) No order as to costs.

(K.K. TATED, J.)