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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2793 OF 2017 IN
FIRST APPEAL ST.NO.22419 OF 2017

Ms Sunita Wd/o Subhash Raheja
Jayesh Subhash Raheja ...Applicants
vs.
Mitesh Shantilal Jain ...Respondent

Mr.A.M.Saraogi with Mr.A.G.Dubey for the Applicant
Mr.Darshit Jain with Priyal Chheda for the
Respondent.

CORAM : K.K.TATED, J.
DATE : AUGUST 27, 2019

P.C.:

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicants are seeking stay of the operation and implementation of the Judgment and Decree dated 18.10.2008 in Suit No.5072 of 2008 (H.C.Suit No.1626 of 2008).

3 The learned Counsel for the Applicant on instructions submits that they are ready to deposit entire decretal amount within two weeks from today.

4 Considering the submissions made by the learned Counsel for the Applicant and the avrments made in the Civil Application, I am satisfied that Applicant has made out a case for allowing this Civil Application.

5 Hence, the following order is passed:

- a) Operation and implementation of the impugned Judgment and Decree dated 18th October 2008 in Suit No.1626 of 2008 is stayed till the hearing and final disposal of the First Appeal on condition that Applicant to deposit the entire awarded amount with interest in the Trial Court on or before 13th September 2019, failing which Civil Application shall stand dismissed without further reference to the Court.
- b) Liberty is granted to the respondent/original plaintiff, if he so desires, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.
- c) If amount is deposited within stipulated time, the Trial Court is directed to invest the amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.
- d) Civil Application stands disposed of accordingly.
- e) No order as to costs.

(K.K.TATED,J.)