

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4104/2018
in
First Appeal No.420/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mrs. Madhuri More for the Applicant - Municipal Corporation Ms. Smita Sawant h/f. Dave & Co. for the Respondent

CORAM : K.K.TATED, J.
DATED : APRIL 22, 2019

P.C.

Heard. By this Civil Application, the Applicant Municipal Corporation seeking stay to the operation and implementation of the judgment and decree dated 13.11.2017 passed by the Bombay City Civil Court, Mumbai in L.C.Suit No.3386/2008 holding that the Respondent Plaintiff is entitled to sum of Rs.5,67,089/- with 6% p.a. interest.

2 The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the judgment and decree dated 13.11.2017

passed by the Bombay City Civil Court, Mumbai in L.C.Suit No.3386/2008 till hearing and final disposal of the first appeal.

3 On the other hand, the learned counsel for the Respondent - Plaintiff submits that this being a money decree, the Applicant may be directed to deposit the entire decretal amount in this court.

4 Considering the submissions made by the learned counsel for the Applicant, impugned order and as the Applicant is seeking stay to the money decree, the Applicant has to deposit the entire decretal amount in this court. If the amount is not deposited, the Civil Application shall stand dismissed without further reference to the court.

5 Hence, the following order is passed:

a. The operation and implementation of the judgment and decree dated 13.11.2017 passed by the Bombay City Civil Court, Mumbai in L.C.Suit No.3386/2008 is stayed till hearing and final disposal of the first appeal, subject to the Applicant depositing the entire decretal amount, in this court, on or before 29.06.2019, failing which the Civil

Application shall stand dismissed without further reference to the court.

b If the amount is deposited within stipulated time as stated hereinabove the Registry is directed to invest the amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c. Liberty granted to the decree holder to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)