

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

**CIVIL APPLICATION NO. 3257 OF 2015
IN
FIRST APPEAL (ST.) NO. 25376 OF 2015**

M/s. Bharti Jewellers and Anr. ...Applicants.

V/s.

Shri. Shailesh Chandrakant Bhai Nandu ...Respondent.

Mr. Manish N. Jain, a/w Ms. Manisha Karale i/by S. M. Jain &
Associates, Advocate for the Applicants.
Mr. Dishang Shah, a/w Geetika Raypal, i/by Piyush M. Shah, for the
Respondent.

**CORAM : SHRI K.K.TATED, J.
DATED : AUGUST 30, 2019**

P.C.:

1. Heard learned counsels for the parties.
2. By this Civil Application, Applicants/original defendants are seeking stay of the operation and implementation of the Judgment and Decree dated 06.01.2015 passed by the Bombay City Civil Court, at Bombay, in Summary Suit No. 9034 of 2000 holding that the Respondent/Plaintiff are entitled to a sum of Rs. 6,45,000/- by way of compensation with further interest at the rate of 12% p.a. on the principle amount a sum of Rs. 5,00,000/- from the date of filing of the suit till realization of the entire amount.
3. The learned counsel for the Applicants submit that as per order

dated 05.12.2015 passed by this Court that they have already deposited sum of Rs. 5,00,000/- in the Registry of this Court.

4. The learned counsel for the Applicants submit that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and Decree.

5. On the other hand, the learned counsel appearing on behalf of the Respondent/Plaintiff submits that, the Trial Court passed the money Decree for the sum of Rs. 6,45,000/- with interest on principle amount of Rs. 5,00,000. Therefore, the Applicants have to deposit entire amount with interest.

6. The learned counsel for the Applicants submit that, they are challenging the impugned Judgment and Decree before this Court. He submits that there is no question on Applicant to deposit the further amount. He further submits that, at the most Applicants/defendants can deposit the remaining sum of Rs.1,45,000/- only.

7. It is to be noted that money Decree passed by the Trial Court. Therefore, Applicant have to deposit the entire amount along with interest. Hence, the following order is passed:-

a) The impugned Judgment and decree dated 06.01.2015

passed by the Bombay City Civil Court, at Bombay, in summary suit No. 9034 of 2000 is stayed till the hearing and final disposal of the First Appeal on condition that Applicants to deposit the entire awarded amount with interest including a sum of Rs. 5,00,000 already deposited on or before 30.09.2019, failing which Civil Application shall stands dismissed without further reference to the Court.

b) If amount is deposited within stipulated time, the Trial Court is directed to invest the amount in fixed deposit of any nationalized bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondent/original plaintiff, if they so desire, to prefer an appropriate Application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)