

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3997/2018

in

First Appeal No.333/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Darshit Jain a/w. Ms. Kusum Joshi I/b. M/s. Mulla & Mulla & CBC for the Applicant Mr. P. J. Thorat I/b. Bipin J. Joshi for Respondent Nos.1 and 2.

CORAM: K.K.TATED, J.

DATED : SEPTEMBER 6, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and decree dated dated 10.08.2018 passed by the Bombay City Civil Court at Mumbai in Suit No.10135/1987 holding that the Applicant is liable to pay sum of Rs.8 lacs along with interest @ 12% p.a. to the Respondent - Plaintiff.

2 The learned counsel for the Applicant submits that while passing the impugned judgment and decree the Trial

Court has specifically kept charge on their property i.e. plot of land bearing No.37, Sector-E, Section-4, Masuria Scheme, Shastri Nagar, Jodhpur till recovery of the amount. He submits that they have no objection if said charge is continued till hearing and final disposal of the First Appeal.

3 When this court declined to accept this submission, the learned counsel for the Applicant submits that for depositing the entire decretal amount, they need eight weeks' time.

4 Considering the submissions made by the learned counsel for the Applicant following order is passed:

a The operation and implementation of the impugned judgment and decree dated 10.08.2018 passed by the Bombay City Civil Court at Mumbai in Suit No.10135/1987 is stayed till hearing and final disposal of the First Appeal, subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 07.12.2019 failing which the Civil Application shall stand dismissed

without further reference to the court.

b. On depositing the entire decretal amount with interest in the Trial Court within stipulated time as stated hereinabove, the charge created by the Trial Court on the property shall stand vacated.

c The Tribunal is directed to invest the 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.

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

e. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)