

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

**CIVIL APPLICATION NO.3485 OF 2019
IN
FIRST APPEAL NO.1675 OF 2016**

Cogent Enterprises Ltd. Company
through its Director-
Mr. Girimon Pattupara Thankappan
and Ors.

...Applicants/Appellants

Versus

Vijay Kumar Jagdishray Chawla

...Respondent

.....

Mr. S.C. Wakankar for the Applicants.

Ms Deepa Punde with Mr. Harshad Sathe for the Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd OCTOBER, 2019.

P.C.:-

The Applicants herein have sought extension of time to deposit the decretal amount alongwith interest and cost as per the impugned judgment and decree dated 30th April, 2016 in Special Summary Suit No.25 of 2015 and further to stay execution of the impugned judgment pending the hearing and final disposal of the Appeal.

2. By order dated 28th February, 2017 this Court had stayed execution of the impugned decree subject to the Applicants depositing

in this Court the entire decretal amount together with interest and costs within a period of 12 weeks from the date of the order. It was made clear that in case the amount was not deposited, the interim relief would stand vacated without further reference to the court.

3. The Applicants did not deposit the decretal amount within the stipulated time and hence the interim relief stood vacated in terms of the order dated 28th February, 2017.

4. The Applicants have sought extension of time to deposit the amount on the ground that the same could not be deposited due to financial constraints. It is seen that the Applicants had neither sought extension of time nor deposited even part of the decretal amount to show their bonafides. The Applicants have filed the application only after the Respondent-original Plaintiff had filed an application for execution. The Applicants have not made out sufficient grounds to extend the time.

5. The learned counsel for the Applicants makes a statement that the entire decretal amount alongwith interest and costs as per the judgment and decree dated 30th April, 2016 in Special Summary Suit

No.25 of 2015 will be deposited before this Court in the course of the day. Statement is accepted.

6. In the light of the said statement, execution of the impugned judgment and decree is stayed until further orders. It is made clear that in the event the Applicants do not deposit the decretal amount in the course of the day, the interim relief shall stand vacated without further reference to the Court.

7. Once the amount is deposited before this Court the registry to invest the same in any Nationalised Bank, initially for a period of one year and thereafter to renew the same from time to time till the disposal of the Appeal.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)