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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2359 OF 2018
IN
FIRST APPEAL NO.802 OF 2019

The Chief Officer, Phaltan Nagar Parishad	...Applicant
V/s.	
Pratapsinh Shetkari Boarding, Phaltan & Anr.	...Respondents

Mr.V.S. Talkute for the Applicant / Appellant.

Mr.P.S. Dani, Senior Counsel i/b Mr.A.B. Kadam for the Respondent No.1.

Mr.Yogesh Dabake, A.G.P. for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 20TH JANUARY, 2020.

P.C. :-

1. By this civil application, the applicant seeks stay of operation and execution of the judgment and award dated 2nd September, 2016 passed by the Reference Court. Mr.Talkute, learned counsel appearing for the applicant states that out of the decretal amount awarded by the judgment and award dated 2nd September, 2016 passed by the Reference Court , the applicant has already deposited a sum of Rs.72,00,000/- with the Reference Court. The Reference Court has already permitted the original claimant to withdraw the said amount upon complying with certain terms and conditions. The original applicants however have not withdrawn the amount till date.

2. Insofar as the balance amount is concerned, learned counsel seeks time to deposit the said amount. He states that Rs.35,00,000/- will be deposited by the applicant on or before 31st March, 2020 and the balance amount payable under the said judgment and award dated 2nd September, 2016 shall be deposited on or before 30th June, 2020.

3. Mr.Dani, learned senior counsel for the original claimants invited my attention to the order dated 29th July, 2019 passed by this Court in this civil application and more particularly paragraph 5 thereof and would submit that though by the said order while considering the application for stay of the impugned judgment and award, this Court has made it clear that the applicant has to deposit the awarded amount with interest, if any, the said order passed by this Court has not been complied with by the applicant till date.

4. Mr.Talkute, learned counsel for the applicant states that that the applicant has to recover substantial amount from various parties and only after the said recovery, the applicant will be able to deposit the balance amount and thus request is made to grant suitable installments.

5. The fact remains that though by the said order dated 29th July, 2016, this Court has directed the applicant to deposit the awarded amount, till date no further amount has been deposited by the applicant. Though the respondents (original claimants) in this

situation can execute the decree, in my view interest of justice would be met with if the applicant is granted 12 weeks time to deposit the balance amount with interest to be computed upto the date of deposit. It is made clear that no further extension of time would be granted. If the amount is not deposited within the extended period, interim stay granted by this Court to stand vacated without further reference to the Court.

6. The original applicants would be at liberty to withdraw the amount already deposited by the applicant and that would be deposited pursuant to this order upon furnishing the security to the satisfaction of the Reference Court which security shall be decided by the Reference Court after hearing both the parties. The said security shall be furnished within eight weeks from the date of the said decision by the Reference Court.

7. In view of this order for deposit, the civil application is made absolute in terms of prayer clause (a). In the event of any default by the applicant, the respondents (original applicants) shall execute the decree forthwith thereafter.

(R.D. DHANUKA, J.)