

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

**INTERIM APPLICATION NO.431 OF 2021
IN
FIRST APPEAL [STAMP] NO.98915 OF 2020**

Union of India	]...Applicant.
IN THE MATTER BETWEEN:	
Union of India	]... Appellant.
Vs.	
Smt.Jomi Sitaram Pathe & Anr.	]...Respondents

....
Mr.T.J. Pandian for applicant/appellant.

Ms. Sapna Rachure a/w Mr.Manjit Thakure for respondent no.1.

....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 22ND MARCH, 2021

P.C. :

1. This is an application seeking stay to the execution and implementation of the impugned judgment and order dated 20th May 2019 passed by the reference Court at Alibag in L.A.R. No.118/2003.

2. Heard Mr.Pandian, the learned Counsel for the applicant and Mrs. Sapna Rachure for respondent no.1. Mr. Pandian submits that the appeal involves a substantial question of law as well as facts and that the appellant has very good case on merits warranting annulling impugned judgment. Mr. Pandian undertakes to deposit the entire decretal amount with accrued interest within 8 weeks in the reference court.

Undertaking is accepted.

3. In view of the undertaking as above, there shall be ad-interim relief in terms of prayer clause (a) which reads as under;

a) That this Hon'ble Court be pleased to stay the operation, effect and execution of the impugned judgment/decreed dated 20.05.2019 passed by the reference court i.e. Civil Judge (Senior Division) Alibag in L.A.R.No.118/2003 including the proceeding of Special Darkhast No.89/2019 pending before the reference court.

4. It is made clear that if the amount is not deposited as above, ad-interim relief granted by this Court shall stand vacated without further reference to the Court.

5. Upon depositing the amount with the accrued interest, the reference court shall invest the entire amount in Fixed Deposit in any Nationalized Bank initially for a period of one year and shall continue to deposit thereafter subject to the orders of this court.

6. Liberty to the respondent/original claimant to make an application seeking withdrawal of amount.

7. After moving an application for withdrawal, the reference court shall decide the said application on its own merits.

8. Civil application stands disposed of accordingly.
9. No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]