

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO. 49 OF 2022**

IN

FIRST APPEAL NO. 44 OF 2022.

THE EXECUTIVE ENGINEER, WORKS
DIVISION II AND 3 ORS.

... Applicants.

VS

JENNIFER COLACO VALES AND ANR.

...Respondents

Mr. S. P.Munj, Addl. Govt. Advocate for the Applicants.

Mr. S. Malik, Advocate for the Respondents.

CORAM: B. P. COLABAWALLA, J
DATED: 31st JANUARY 2023

P.C.

1. The above Civil Application is filed seeking a stay of Execution Application No.13/2022 pending before the District Judge, at Margao, South Goa. The learned Counsel appearing on behalf of the Applicants submitted that the above First Appeal is filed challenging the decree dated 7th May 2019 passed in Civil Suit No.83 of 2015. The impugned decree is for a sum of Rs. 2,01,854/- (Rupees two lakhs one thousand eight hundred fifty four only) along with interest @ 10% per annum from 12th May 2014 till full and final payment.

2. The learned Addl. Govt. Advocate appearing on behalf of the Applicants/Appellants submitted that the amount calculated up to 11th May 2023 together with interest would come to Rs.3,83,522/-

(Rupees three lakhs eighty three thousand five hundred and twenty two only). He submitted that this amount would be deposited within a period of two weeks from today.

3. Considering that the entire decretal amount with interest upto 11th May 2023 is being deposited in this Court, the following order is passed:-

- a Execution Application No.13/2022 pending before the District Judge, at Margao, South Goa is stayed pending the disposal of the above First Appeal.
- b The Appellants/Applicants shall deposit in this Court the sum of Rs. 3,83,522 (Rupees three lakhs eighty three thousand five hundred and twenty two only) within a period of two weeks from today.
- c If the aforesaid deposit is not made within the stipulated time, the stay granted by this order shall stand automatically vacated without further reference to the Court and the Court executing decree shall proceed with Execution Application No. 13/2022 as if no stay is granted.

4. The Civil Application is disposed of in the aforesaid terms. No order as to costs.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on the production by fax or email of a digitally signed copy of this order.

B. P. COLABAWALLA, J

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
Date: 2023.02.01 10:41:35 +05'30'