



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 12000 OF 2021
IN
SECOND APPEAL NO. 485 OF 2021**

**THE DIVISIONAL MANAGER, MAHARASHTRA STATE CO-
OPERATIVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....
Mr. S. T. Shelke, Advocate for Applicant
Mr. S. V. Hange, AGP for Respondent No.1 – State
....

CORAM : Y. G. KHOBRAGADE, J.

DATE : 12 MARCH 2024

PER COURT :-

1. The learned Counsel for the appellant-original defendant No.2 submits that Respondent No.2 – original plaintiff had filed R.C.S. No.105 of 2010, seeking recovery and damages to the tune of Rs.1,00,000/- with appropriate interest. After conclusion of the trial, on 21.03.2013, the learned trial Court passed the judgment and decree and dismissed the suit. Being aggrieved by the said judgment and decree, the original plaintiff No.2 filed R.C.A. No.46 of 2016. On 28.08.2019, the first

appellant Court allowed the appeal and set aside the judgment and decree passed by the learned trial Court in R.C.S. No.105 of 2010, holding that the plaintiff is entitled to get recovery of Rs. 1,00,000/- with interest @ 6% p.a. from 07.06.2010 till its realization From the present appellant-original defendant No.2.

2. Since the money decree is passed against the appellant-original defendant No.2, which cannot be stayed without imposing any condition. Therefore, considering the nature of the claim, it would be just and proper to stay the effect and operation of the judgment and decree, on depositing entire decretal amount with interest in this Court within a period of four weeks from today.

3. The civil application is disposed of.

[Y. G. KHOBRADE, J.]

SMS