

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14839 OF 2024

IN

FIRST APPEAL NO.1477 OF 2019

Jayesh Champaklal Mayani

... Applicant (Org. Plaintiff)

In the matter of:

Vijay Dhanaliya (since deceased through his
legal heirs) (i) Smt. Sonal Vijay Dhanaliya

& Ors.

... Appellants

Vs.

Jayesh Champaklal Mayani

... Respondent

Ms. Dhannya Prasad for the Applicant/Original Respondent.

Mr. Ramprakash R. Pandey for the Respondents/Original Appellants.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH NOVEMBER 2024

P.C. :

1. The captioned Interim Application seeks the following reliefs :-

- "a. direct the Appellant to pay at least half of the total principal amount of Rs.31,94,000/- pending the hearing and final disposal of the First Appeal, on such terms as this Honourable Court deems fit;*
- b. direct the Appellant to deposit the balance half of the principal amount along with upto date interest as per Order dated 02.05.2017 in this Honourable Court;*

- c. in alternative to a. and b. above, to direct the Appellant to deposit the entire decretal amount with upto date interest as per the Order dated 02.05.2017 in this Honourable Court;*
- d. that the hearing of the First Appeal be expedited considering the Applicant being a senior citizen;*
- e. that the costs of this Interim Application be provided for;*
- f. that such other and further orders be passed as this Honourable Court may deem fit in the circumstances of the case."*

2. Mr. Pandey, Learned Counsel appearing on behalf of the Appellant, i.e., Respondent in the present Interim Application, invites my attention to an order dated 11th December 2019 by which this Court had in a Civil Application filed by the Appellant granted a stay in terms of prayer clause (a) of the said Application.

3. In view thereof he submitted that there was no question of today granting prayer clauses (a) and (b).

4. It was put to Learned Counsel appearing on behalf of the Applicant as to whether the Applicant had challenged the order dated 11th December 2019, upon which she submitted that the Applicant had not. She however submitted that given the fact that the Applicant is a senior citizen

undergoing various health issues, who was being deprived of a money decree, the Suit being expedited. To this, there was no opposition from the Learned Counsel for the Respondent.

5. In view of the above, the Interim Application is disposed of.
6. List the Firs Appeal for hearing on 8th January 2025.

(ARIF S. DOCTOR, J.)