

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
[COMMERCIAL DIVISION]

INTERIM APPLICATION NO.15165 OF 2024
IN
COMMERCIAL FIRST APPEAL NO.26 OF 2024
IN
SUMMONS FOR JUDGMENT NO.123 OF 2024
IN
COMMERCIAL SUMMARY SUIT NO.524 OF 2024

Kiran Ravie Lalpurria	.. Applicant-Appellant
Vs.	
Dheeraj Dineshkumar Agarwal	.. Respondent-Org. Plaintiff

Mr. Anand Mishra with Mr. Amit G. Dubey, Advocates for the Applicant-Appellant-Original Defendant.

Mr. Shanay Shah with Mr. Manoj Agre and Mr. Krushang Kedia, i/by Mr. Girish Kedia, Advocates for the Respondent-Original Plaintiff.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 4TH DECEMBER 2024.

PC. :

1. By this application, the applicant-appellant prays that the effect and operation of the judgment and decree passed in Commercial Summary Suit No.524 of 2024 be stayed. By the said decree, the defendant has been directed to pay an amount of Rs.1,22,36,438/- with interest @ 9.5% p.a. from the date of filing of the suit till its realization.

2. Having heard the learned counsel for the parties, we are of the view that the decree in question being a money decree, it would be necessary to

direct the applicant-appellant to deposit the decretal amount in this Court within a period of twelve weeks from today. Subject to such deposit, the interim application is allowed in terms of prayer clause (a), which reads as under :-

“(a) That pending the hearing and final disposal of the present Appeal, the effect and implementation of the order dated 3rd September 2024 passed in Summons for Judgment No.123 of 2024 taken out in Commercial Summary Suit No.524 of 2024 be stayed on such terms as this Hon’ble Court may deem fit and proper.”

3. Needless to state that any request for leave to withdraw the amount, if deposited, would be considered on its own merits.
4. Interim Application is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]