



335-2024

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO. 335 OF 2024**  
**IN SECOND APPEAL NO. 155 OF 2023**

**(Vidarbha Irrigation Development Corporation Vs. M/s N. Kumar Construction Company,**  
**Nagpur & Ors.)**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Shri M.A. Kadu with Shri J.J. Chandurkar, Counsel for the  
appellant.

Shri A.S. Dabadghao, Counsel for respondent no.1.

Shri B.M. Lonare, A.G.P for respondent no.2.

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**CORAM : ANIL L. PANSARE, J.**  
**APRIL 25, 2024.**

By present application, respondent no.1 is  
seeking to vacate stay operating on the effect, operation  
and execution of the judgment and decree dated  
31/1/2022.

2] This Court, vide order dated 21/12/2023,  
granted stay to the impugned judgment subject to the  
appellant depositing 50% of decretal amount within a  
period of six weeks with this Court.

3] The learned Counsel for respondent no.1  
submits that the appellant has not deposited 50% of the  
decretal amount. If that be so, there arises no question  
of passing separate order of vacating the stay inasmuch as  
order granting stay is self-speaking. Respondent no.1 is at  
liberty to proceed further if, according to him, the  
appellant has not deposited the amount, as directed by

this Court. No order of vacating the stay, in the facts and circumstances of the case, is required.

4]           The Civil Application is disposed of in above terms.

5]           At this stage, the learned Counsel for the appellant has tendered across the bar application (Civil Application No. 338/2024) by which the appellant is seeking permission to pay balance decretal amount in view of order passed by this Court on 21/12/2023.

6]           As could be seen from the prayer, the appellant is not seeking extension of time to deposit the amount, as it cannot, because the application ought to have been filed prior to expiry of period. Thus, what remains is the prayer of the appellant to permit it to deposit the balance decretal amount, which can be granted.

7]           Permission is granted. The amount be deposited within one week from today.

8]           The Civil Application bearing No. 338/2024 is disposed of in above terms.

**(ANIL L. PANSARE, J.)**

Sumit