



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

Commercial Appeal No.04 of 2024

[Maharashtra Jeevan Pradhikaran, through its Member Secretary, Mumbai
and others **VERSUS** SMC Infrastructure Pvt. Ltd., Khopat, Thane, through
its Director, Dadar, Mumbai]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's order
Registrar's orders.

Shri M.G. Rathi, holding for Shri A.Y. Kapgate, Counsel for Petitioners.
Shri N.R. Nebhani, Counsel for Respondent.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 26th AUGUST, 2024

Commercial Appeal No.04 of 2024 :

1. This commercial appeal is directed against the judgment and order dated 08-11-2023 delivered in Special Civil Suit No.05 of 2018.
2. This appeal is taken out by the judgment-debtors alleging the non-sustainability of the judgment and order on the basis of incorrect appreciation of evidence in the backdrop of the factual matrix.
3. Issue notice before admission to the respondent, returnable on 09-09-2024.
4. Shri N.R. Nebhani, learned counsel, waives service of notice for the respondent.
5. The counsel for the appellants assures that by day after tomorrow, the acknowledgment of service of memo of appeal alongwith annexures shall be placed on record.
6. Call for R & P.

7. By consent of the counsel appearing for the parties, the Former Judge of this Court, Hon'ble Shri Justice M.N. Gilani, is appointed to act as Mediator, before whom we direct the parties to appear on 02-09-2024.

Civil Application No.1028 of 2024 :

1. Issue notice to the non-applicant/respondent, returnable on 09-09-2024.
2. The counsel for the applicants/judgment-debtors submits that the execution proceedings are already pending against the applicants/judgment-debtors and since the stay of money decree is sought, the applicants/judgment-debtors are going to deposit 50% of the decretal amount.
3. Since the statement is made on instructions, the same is accepted and taken on record.
4. In this background, we deem it appropriate to permit the applicants/judgment-debtors to deposit 50% of the decretal amount with interest accrued thereon within a period of four weeks from today.
5. Until further orders, no coercive steps be taken against the applicants/appellants.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)