



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1035 OF 2024
IN
FIRST APPEAL NO. 753 OF 2025

The Executive Engineer.

...Appellant.

Versus

Amarsinha Vijaysinha Rannavare.

...Respondent.

Ms. Aparna D. Vhatkar for the Appellant.

Nikhil Karnawat i/b Nilima Sarvagol for the Respondent No. 1.

Coram : Sharmila U. Deshmukh, J.

Date : April 30, 2025.

P. C. :

1. By order of 19th March 2025, submissions of the parties were recorded where Advocate for the original claimant had submitted that as per Court Commissioner's Report, amount due and payable is Rs.1,03,05,531/- whereas the beneficiary body has deposited only Rs.69,14,245/-. At that point of time, learned Counsel appearing for the Appellant had sought time to take instructions and the time within which balance amount paid, if any, would be deposited.

2. On 2nd April 2025 again time was sought for filing affidavit in rejoinder. Thereafter the matter was adjourned to 23rd April 2025 and stood over to 30th April 2025. Despite so many opportunities being given to the Appellant, neither the affidavit in rejoinder has been filed

nor any material has been placed on record to demonstrate that Court Commissioner's Report which states that a sum of Rs.1,03,05,531/- is due and payable is incorrect.

3. The stay was granted on the submission made that a sum of Rs.69,14,245/- is already deposited. At that point of time, it was not pointed out to the Court that deposit does not cover entire decretal amount along with accrued interest.

4. Considering the Court Commissioner's Report, till the same is verified, the Appellant is directed to deposit the deficit amount of Rs.33,91,286/- in the Reference Court within the period of 8 weeks from today failing which stay would stand vacated. It is made clear that pending verification of the accuracy of Court Commissioner's Report, the amount of Rs.33,91,286/- will not be permitted to be withdrawn by the Appellant.

5. Stand over to **12th June 2025.**

[Sharmila U. Deshmukh, J.]