

ORDER BELOW Exh. 5 IN
Commercial Appeal No. 4/2025

[1] By way of filing the present application, the appellant has sought to keep in abeyance the execution and operation of the Judgment and Decree passed in **Commercial Civil Suit No. 343/2023** passed by the **Ld. 5th Addl. Sr. Civil Judge, Surat.**

[2] Heard the Ld. Advocates for the appellant and perused the Judgment and Order followed by the Decree passed by the Ld. 5th Addl. Sr. Civil Judge, Surat, in **Commercial Civil Suit No. 343/2023** wherein the Ld. Judge has been pleased to allow the suit partly and held the plaintiff to be entitled to recover the amount of **Rs. 4,72,859/- (Rupees Four Lakhs Seventy-Two Thousand Eight Hundred and Fifty - Nine Only)** with the running interest at the rate of **7.5% p.a.** from the date of the suit till its actual realization.

[3] It transpires that the said Judgment and Order has been assailed by way of filing the Commercial Appeal. Since the impugned Judgment arose out of the commercial transactions involving the monetary issues, the execution and operation of the Judgment and Decree passed in **Commercial**

Civil Suit No. 343/2023 by the Ld. 5th Addl. Sr. Civil Judge, Surat, is ordered to be kept in abeyance subject to the appellant depositing the **50%** of the actual amount i.e. **Rs. 4,72,859/- (Rupees Four Lakhs Seventy - Two Thousand Eight Hundred and Fifty - Nine Only)** within the period of **7 (seven) days** from the date of this Order, failing which, the present Order would become inoperative.

[4] Yadi of this Order be sent to all concerned for knowledge, information and compliance thereof.

Pronounced in open Court today on this
4th day of March, 2025.

Date : 04.03.2025
Place : Surat.

(Ramchandra Thakurdas Vachhani)
Principal District Judge,
Surat.
U.I. Code No. **GJ00910.**

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