

MHAK010030002023



RCA No. 142/2023
Nandkishor Kothari Vs. Ku. Payal Pasari

Order Below Exh. No. 10.

[Passed on 04th February, 2026]

Perused the application and say. Heard both the sides at considerable length. The appellant has prayed to stay effect, operation and execution of judgment and decree dtd. 06.07.2023. Per contra, the respondent strongly opposed the application. In the alternate the respondents have prayed to direct the appellant to deposit whole decretal amount.

02] It appears that the impugned decree is the money decree in which the defendants are directed to pay an amount of Rs. 10,52,533/- with interest at the rate of 9% per annum from 01.10.2006. It is an admitted fact that the appellant already has paid the amount of Rs.7,00,000/- in pursuance of their settlement. Therefore, in my considered opinion the condition regarding deposit of entire decretal amount will be harsh as affecting the right of the filing of appeal of the party. It can not be ignored that the conditions should be of such a nature that the party should not be deprived from right of appeal and can comply the same.

03] Therefore, in such a scenario, I am of the opinion that, it is just to direct the appellants to deposit amount of Rs.1,00,000/- in the

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Court. Therefore, I proceed to pass following order :-

- Order -

The application at Exh.10 is allowed subject to following conditions :-

- 1] The appellant shall deposit an amount of Rs. 1,00,000/- within 15 days from the date of this order.
- 2] The execution, operation and effect of impugned judgment and decree dtd. 06.07.2023 passed by 6th Jt. CJSD, Akola in Spl. Civil Suit No. 96/2009 is hereby stayed under Order 41 Rule 5 of Code of Civil Procedure till final decision of present appeal subject to compliance as per above mentioned conditions.

Date : 04.02.2026
Akola.

[**Rahul A. Shinde**]
District Judge-3 and A.S.J.,
Akola.

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Certificate

I affirm that the contents of this PDF file are same word for word as per original order.

Name of Steno	:	S. D. Tekade Stenographer (Gr-2).
Court's name	:	District Judge-3 and Additional Sessions Judge, Akola
Date	:	04.02.2026
Signed by P.O. on	:	04.02.2026
Uploaded on	:	04.02.2026