

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
R/FIRST APPEAL NO. 2358 of 2024**

**With  
CIVIL APPLICATION (FOR STAY) NO. 1 of 2024  
In R/FIRST APPEAL NO. 2358 of 2024**

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SANJAY PRAVINCHANDRA VAKTA

Versus

ALPESH KAMLESHBHAI PATEL

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Appearance:

MOHIT A GUPTA(8967) for the Appellant(s) No. 1

MR AR GUPTA(1262) for the Appellant(s) No. 1

DHRUVIK K PATEL(7769) for the Defendant(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE**

**Date : 03/02/2025**

**ORAL ORDER**

Mr. Mohit Gupta, learned advocate for the appellant has placed on record the undertaking of the appellant. The same is permitted to be taken on record. By referring to the undertaking, learned advocate has submitted that the appellant undertakes to deposit the part of the decretal amount of Rs.30 lakhs in six monthly installments before this Court. The said details of which has been given in the undertaking. He has further submitted that the appellant also undertakes to secure remaining amount of Rs.32,76,736/- by furnishing solvency certificate. According to him, procurement of solvency certificate would take around three months and he has therefore, urged for placing the same on record within the period of three months from today. By making aforesaid submission, learned advocate has urged to stay the impugned judgment and award.

Mr. Patel, learned advocate for the respondent has objected to the aforesaid submissions. According to him, order

directing the payment of the outstanding amount, amounts to money decree and same can be stayed on condition of deposit of at least 50% of the decreetal amount.

Considering the submissions made by the learned advocate for the respective parties and undertaking placed on record, the appellant has undertakes to deposit the 50% of the decreetal amount which comes to around Rs. 30 lakhs in six monthly installments as assured by the appellant. Let, first installment of an amount of Rs.5 lakhs may be deposited on or before 7.2.2025. Let, matter be notified for further consideration on 10.02.2025.

RATHOD KAUSHIKSINH

**(NISHA M. THAKORE,J)**