

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 144 OF 2021

IDBI Bank Ltd. ...Appellant
Vs.
Kanhaiyalal L. Darak ...Respondent

WITH
INTERIM APPLICATION (ST) NO. 36990 OF 2024 (NOB)

Mr. Makarand P. Rege for the Appellant.
Mr. Balraj Kulkarni for the Respondent.

CORAM : ARIF S. DOCTOR, J.
DATE : 19TH DECEMBER, 2024

P.C.:-

1. The Interim Application (St) No.36990 of 2024 is not on board.
Taken on board.
2. Learned Counsel for the Appellant presses for a stay of the operation of the Impugned Order and judgment dated 28th January, 2020 as also a stay of the two warrants of attachment dated 11th December, 2024 till the final disposal of the captioned First Appeal.

3. Learned Counsel for the Appellant undertakes to deposit the entire decretal amount of Rs.24,44,965/- in the Registry of this Court within a period of three weeks from today.

4. Accepting the statement made by Learned Counsel for the Appellant, there shall be ad interim stay in terms of prayer clauses (a) and (b) of the Interim Application which read thus:-

“(a) That pending the hearing and final disposal of the First Appeal, this Hon’ble Court be pleased to stay the effect, implementation and operation of the Impugned Judgment dated 28th January, 2024 passed by the Bombay City Civil Court at Mumbai;

“(b) That pending the hearing and final disposal of the First Appeal, this Hon’ble Court be pleased to stay the effect, implementation and operation of the two Warrants of Attachment both dated 11th December, 2024;”

However, I make it clear that in the event the said amount is not deposited within the aforesaid time, the stay granted today shall stand vacated forthwith.

5. Learned Counsel for the Appellant also tenders a draft amendment since the Appellant has passed away and requests for an amendment to be effected in the cause title in terms of the draft amendment tendered.

6. Learned Counsel for the Respondent does not have any objection to this request.

7. The draft amendment is taken on record and marked 'X' for identification with today's date. The Appellant is permitted to carry out the amendments within a period of three weeks from today given the fact that there are ensuing holidays.

8. Stand over to 29th January, 2025.

(ARIF S. DOCTOR, J.)