

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

FIRST APPEAL NO. 1926 OF 2006

Office Notes, Office Memoranda
of Coram, appearances,
Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Mr. U. J. Makhija i/by Motiwalla & Co.,
for the Appellant.

Mr. Avinash Kango for the Respondent.

CORAM: S. B. DESHMUKH, J.

DATE : 18TH AUGUST, 2006

P. C. :

Heard the learned Counsel for the
respective parties.

2. The learned Counsel for the
appellant, submits, there is no
evidence led on behalf of the
appellant in relation to the claim of
the appellants. According to him,
written reply was filed on behalf of
the respondent. The learned Counsel
for the respondent, points out from
the observation of the Tribunal,

regarding Issue No.1, that no written statement was filed on behalf of the present appellant. The Tribunal has accepted this pleading in relation to the damage caused to the extent of Rs.1,33,180/- and, accordingly, passed an award in favour of the respondent.

3. Having heard the learned Counsel for the parties, in my view, case for admission of the appeal is established.

4. Hence, admit.

5. Call for the records and proceedings.

6. Printing of paper book is dispensed with.

Sd/-

(S.B.DESHMUKH, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1938 OF 2003

IN

FIRST APPEAL NO. 1926 OF 2006

Office Notes, Office Memoranda
of Coram, appearances,
Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Mr. U. J. Makhija i/by Motiwalla & Co.,
for the Applicant.

Mr. Avinash Kango for the Respondent.

CORAM: S. B. DESHMUKH, J.

DATE : 18TH AUGUST, 2006

P. C. :

Heard the learned Counsel for the
respective parties.

2. The learned Counsel for the
applicant, submits, that there is no
evidence led on behalf of the
applicant regarding alleged damage
sustained to the applicant. Despite

this fact, the Tribunal seems to have accepted the pleading on behalf of the respondent and passed the impugned decree in favour of the respondent for an amount of Rs.1,33,180/-.

3. The learned Counsel for the respondent, submits, that it is a money decree, passed in favour of the respondent by the Tribunal, on appreciation of the evidence led on behalf of the parties. He submits that in case of grant of interim relief in this application, the applicant be directed to deposit the entire decretal amount in this Court.

4. Having heard the learned Counsel for the parties, in my view, interim relief can be granted on a condition that the applicant shall deposit the entire decretal amount in this Court within a period of eight weeks from today.

5. Accordingly, interim relief in terms of prayer clause (a) of the civil application, subject to condition that the applicant shall deposit in this Court the entire decretal amount within a period of eight weeks from today.

6. It is made clear that in case of failure on the part of the applicant to deposit the aforesaid amount within a period of eight weeks from today in this Court, the interim relief granted by this Court shall stand vacated, without reference to this Court.

7. This civil application, accordingly, is partly allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)