

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (St.) No. 23893 OF 2017
WITH
CIVIL APPLICATION NO. 3002 OF 2017

Mrs. Surekha Kolbekar Telang ... Appellant/Applicant
Vs.
Mrs. Madhu K. Shah & Anr. ... Respondents

Mr. Uday Bobade with Mr. Jaikumar N. Shiradhonkar, Advocate for the appellant/applicant.

Ms. Soumya Srikrishnan a/w. Mr. Hemang Engineer, Karishma Shirke i/b. Gordhandas and Fozdar, Advocate for respondent nos. 1 & 2.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 10th October, 2017.

P.C.:

Upon mentioning, taken on production board.

2. The learned counsel for the appellant submitted that as per the order dated 12th July, 2017, the respondents/plaintiffs are supposed to obtain loan of Rs.54 lakhs and accordingly they have offered the entire amount to the appellant on 21st September, 2017, which is not accepted by the appellant. The learned counsel submitted that thereafter the period of three months is getting over tomorrow and, therefore, he prays for stay of the order of the trial Court.

3. The learned counsel for the respondents opposed the prayer

for stay of the impugned judgment and order of the trial Court. The learned counsel submitted that as the respondents/plaintiffs offered the amount of Rs.54 lakhs on 21st September, 2017, one month thereafter is to be counted and thus, one month for execution of the deed of conveyance will get over on 20th October, 2017. The learned counsel for the respondents wants to file affidavit-in-reply.

4. On perusal of the operative portion of the impugned judgment and order, it is found that three months period was given to the respondents/plaintiffs to raise loan of Rs.54 lakhs and to pay the amount to the appellant/defendant. It appears from the submissions of learned counsel for the appellant and respondents that the respondents have performed their part as per the order, however, the appellant/defendant, who is directed to execute the Deed of Conveyance in favour of the plaintiff within one month thereafter, is not yet done and that period will get over on 11th November, 2017. In this case, the appellant/defendant has filed the Appeal within time.

5. In view of this, the Appeal is fixed on 1st November, 2017 for admission. The appellant to remove office objections. Registry to accept the affidavit-in-reply.

(MRIDULA BHATKAR, J.)