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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 26 OF 2020
WITH
INTERIM APPLICATION NO. 868 OF 2019
IN
FIRST APPEAL NO. 26 OF 2020
IN
SPECIAL CIVIL SUIT NO. 449 OF 1989**

Sheshmal Ratnaji Solanki(Deceased)Thr. LRS.
IA) Leribai Sheshmal Solanki (Deceased)& Ors

...Appellants
(Org Defendants)

Versus

Deepachand Dharmchand Jain

...Respondent
(Org Plaintiff)

**Mr Ruchir L Tolat , i/b L.C.Tolat & Co for the Appellants.
Mr Girish Agrawal, for the Respondent.**

**CORAM G.S. Patel &
Gauri Godse, JJ.
DATED: 28th July 2022**

PC:-

1. Admit.
2. As regards the Record and Proceedings of the lower court in each admitted First Appeal, while these are formally called for, we

request the Registry to ask the lower court's registry to transmit electronically a soft copy in in PDF format.

3. The entire record should be serially paginated so that the PDF page numbers correspond to the physical page numbers (which means that every page, including index pages and cover sheets will bear running page numbers).

4. Mr YA Goswami, CPC of this Court, is requested to coordinate. A copy of this order is to be sent to him. The Roznama of the lower Court needs to be separately digitized and compiled. All previous orders of this Court in the First Appeals are also to be separately digitized and compiled.

5. All Advocates are entitled to a soft copy of the R & P, if they so wish.

6. As regards hard or soft copies for the Bench, the necessary instructions will be issued at a later date.

7. The Appeal is against a final judgment and order dated 11th January 2019 partly decreeing the Respondent's suit for specific performance. The original decree was in an amount of Rs. 2,98,10,253/- with interest. There was also a direction to the Land Acquisition Officer to pay 77.54% of the acquisition award to the Plaintiff. The original Defendant is in Appeal and seeks that execution be stayed.

8. Earlier, the Appellant (the original Defendant) agreed to file a private paper book. On that assurance, the original Plaintiff (the Respondent herein) said that pending the filing of that paper book by the Appellant and completion of record in Appeal, the Plaintiff/Respondent would not be put the decree into execution. The Appellant has not yet filed the paper book. The Appellant cannot take advantage like this by not filing the paper book it had promised it would, and also claim continued protection against execution on the strength of the statement made by the Advocate for the original Plaintiff.

9. We will give the Appellant/Original Defendant time until 30th August 2022 to file a complete paper book. If it is not done by that date, the statement made by the Respondent will no longer survive or continue and the original Plaintiff/Respondent will be entitled to proceed in execution. If the paper book is filed by that date, the Plaintiff's/Respondent's statement will continue .

10. We will take up the interim application itself to consider additional terms for stay, including whether the appellant should be required to make a deposit having regard to the nature of the decree.

11. List the Interim Application on 14th September 2022.

(Gauri Godse, J)

(G. S. Patel, J)