

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>FA No. 64 of 2021</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Piyush Garg, learned counsel for the appellant. 2. Mr. Siddhartha Singh, learned counsel for the respondent. 3. The instant first appeal was admitted by the Coordinate Bench on 02.03.2022 and the respondent/caveator was directed to file objection to the stay application. Now objection has been filed. 4. The respondent/plaintiff filed a suit for specific performance, and the trial court decreed the suit by directing the defendant to refund the amount paid in advance along with 18% interest at the time of execution of the agreement to sale. 5. The objection has been raised that in fact decree passed by the trial court is a money decree, therefore, the appellant has to deposit the entire decreetal amount. 6. Mr. Piyush Garg, learned counsel for the appellant by placing reliance upon the recent judgment of the Hon'ble Apex Court in the case of <i>Lifestyle Equities C.V. & Anr. Vs. Amazon Technologies Inc.</i> 2025 LiveLaw (SC) 974 submits that it is not a principle of universal rule that in all cases of money decree, the defendant should be directed to deposit the amount in court and then only the question of stay be considered. Apart from this, he submits that the financial condition of the appellant is very weak, and, therefore, in such an eventuality the judgment and decree

			passed by the trial court be stayed subject to this condition that the appellant shall deposit a sum of Rs. 12 lakhs. 7. Since, the appeal has already been admitted, the judgment and decree dated 03.04.2021, passed by the trial court in O.S. No. 260 f 2013, Vinod Kumar Rai vs. Smt. Sarojni is hereby stayed subject to the condition that the revisionist shall deposit a sum of Rs. 12.5 lakhs within four weeks in the Registry and the same shall be in fixed deposit. 8. List for final hearing in the week commencing 23.02.2026. (Rakesh Thapliyal, J.) 15.12.2025 Parul
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