

The High Court Of Madhya Pradesh**FA-818-2016***(MOSER BAER POWER M.P. LIMITED Vs BINDU RATHORE)***4****Jabalpur, Dated : 10-01-2019**

Shri Pranay Verma, Advocate for the appellant.

Shri R.S. Rathore, Advocate for the respondent No.1

Shri N.S. Chouhan, Government Advocate for the respondent
No.2/State.

Heard on the question of admission.

Admit.

Heard on I.A. 15355/2016, which is an application under Order 41 Rule 5 of the Code of Civil Procedure, 1908 for staying the execution of the decree.

Amount enhanced by the Reference Court is only Rs. 1,25,426/- (One Lakh Twenty Five Thousand Four Hundred & Twenty Six only), therefore, there is no question of grant of any stay in favour of the appellant.

Let the entire amount be deposited before the Reference Court within a period of four weeks.

After furnishing the surety to the satisfaction of the Reference Court, land owner/respondent is permitted to withdraw the amount. Surety and return undertaking in the event of appeal being allowed, he will return the amount.

List the matter for final hearing.

(VIVEK RUSIA)
JUDGE

Nitesh