

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 39 OF 2015

IN

FIRST APPEAL NO. 18 OF 2015

MRS. JOYCE PINTO.

... Applicant

Versus

MR. GAURAV BORKAR.

... Respondent

Mr. Ashwin D. Bhobe, Advocate for the Applicant.

Mr. Shashank Subhash Narvekar, Advocate for Respondent.

Coram:- C. V. BHADANG, J.

Date:- 29th June, 2015

P.C.:

This is an application for stay of the impugned judgment and decree dated 10/12/2014 passed by the learned Civil Judge Senior Division, Mapusa, in Special Civil Case No.36/2012/C.

2. By the impugned judgment and decree the learned Trial Court has directed specific performance of the contract of sale and the appellant/original defendant is directed to execute the sale deed in terms of the agreement of sale dated 7/2/2012. The applicant is also restrained from selling, alienating or transferring the suit flat in any manner to any person other than the respondent and from creating any third party rights in respect of the suit flat or parting possession of the suit flat to any person other than the respondent.

3. It is not in dispute that the respondent has not yet filed any execution application for getting the decree executed.

4. On hearing the learned counsel for the parties and in as much as the First Appeal is already admitted, part of the impugned judgment and decree directing the execution of the sale deed in terms of the agreement is stayed. It is made clear the the part of the decree restraining the applicant from creating any third party interest subsists.

C. V. BHADANG, J.

ap/-