

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 115 OF 2012

IN

SECOND APPEAL NO. 77 OF 2012

SMT. KUSUM YESHWANT KAMAT AND 2
ORS.,

... Applicants

Versus

SMT. SHALINI SAGOON KAMAT THROUGH
HER CONSTITUTED ATTORNEY SMT.
PADMA BHALE

... Respondent

Mr. Agnelo F. Diniz, Advocate for the applicants.

Mr. Premanand Kholkar, Advocate for the respondent nos.1a to 1d.

Coram:- C. V. BHADANG, J.

Date:- 7th July, 2015

P.C.

Heard Shri Diniz, the learned Counsel for the applicants and Shri Kholkar, the learned Counsel for the respondent nos.1a to 1d.

2. The suit filed by the respondents was dismissed, which has been reversed by the First Appellate Court. There is a decree, by which the appellants have been directed to deliver vacant possession of the suit flat i.e. flat nos.3 and 4 of Nandadeep Building, Panaji.

3. On hearing the learned Counsel for the parties and on perusal of the record and further having regard to the fact that the Second Appeal is admitted, the impugned judgment and decree, which

pertains to delivery of immovable property, can be stayed on certain conditions. Hence, the following order is passed :

- (i) The impugned judgment and decree is hereby stayed, subject to the condition that the appellants shall deposit an amount of Rs.10,000/- per month before the Trial Court, with effect from 01/06/2015, by way of occupation charges/ damages.
- (ii) First of such deposit for the months of June and July, 2015 shall be made before 15th July, 2015 and thereafter, before 5th day of each calender month.
- (iii) In the event of default of any two instalments, the respondents would be at liberty to move for vacation of the order.
- (iv) The appellants shall also furnish security to the satisfaction of the Trial Court for due performance of the decree, if ultimately confirmed.
- (v) Security shall be furnished within a period of four weeks from today.

4. The Civil Application is disposed of in the aforesaid terms.

5. Inform the Trial Court accordingly.

C. V. BHADANG, J.

SMA