

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 517/2015**

1. M/s. Aronda Properties Pvt. Ltd.,
a Company incorporated under
the Companies Act, 1956,
(Act 1 of 1956), having Office at F-2,
3rd Floor, Navelkar Trade Centre,
Opposite Azad Maidan,
M.G. Road, Panaji, Goa.

2. Shri Wilson Manuel Godinho,
Aged 52 years, having office at
F-2, 3rd Floor, Navelkar Trade Centre,
Opposite Azad Maidan,
M.G. Road, Panaji, Goa.

..... Petitioners.

Versus.

Sweta Estates Pvt. Ltd.
a Company incorporated under
the Companies Act, 1956,
Act 1 of 1956, having its registered
Office at 21, MalchaMarg,
Commercial Complex,
Diplomatic Enclave, New Delhi-21,
represented herein by its authorised
representative Shri Sumant Kochhar,
son of Om Prakash Kochhar,
aged 63 years, married, service,
Indian National, residing at Flat T 2,
Block 5A, Models Legacy,
Taleigao, Goa.

..... Respondents.

Mr. Rohit Bras de Sa, Advocate for the petitioners.

Mr. Shivan Desai, Advocate for the respondents.

CORAM :- F.M. REIS, J.

Date :- 21st July, 2015.

ORAL JUDGMENT :

Heard Mr. Rohit Bras de Sa, learned Counsel appearing for the petitioners and Mr. Shivan Desai, learned Counsel appearing for the respondent.

2. Rule. Heard forthwith, with the consent of the learned Counsel. Learned Counsel for the respondent waives notice.

3. After hearing the matter for sometime, it was pointed out by the learned Counsel appearing for the respective parties that in the meanwhile, the parties have amicably settled the dispute with regard to the attachment of the property and have drawn the Minutes of Order duly authorised by both the learned Counsel, upon instructions, to enable the Court to dispose of the above writ petition in terms thereof in substitution of the impugned order dated 23rd June, 2015. The Minutes of the Order are taken on record and marked “X” for identification.

4. In view of the above, I pass the following Order :

(I) Impugned order dated 23rd June, 2015 passed by the learned Civil Judge, Senior Division, at Panaji in Special Civil Suit No.14/2010(A) is quashed and set aside.

(II) The application filed by the respondent at Exhibit 16 on the file of the learned Judge stands disposed of in the following terms:

1. Petitioners are restrained from selling/creating any third party rights in respect to the following properties till the hearing and final disposal of Special Civil Suit No.14/2010/A pending in the Court of Civil Judge, Senior Division at Panaji – Goa

SCHEDULE 'A'

Sr. No.	Survey No.		Hissa No.	Area	Assessment
	Old	New		H.R.	Rs. P.
1.	205	11	1	3-59-1 P.K.O-16-2	05.25
2.	204	12	1	3-93-6 P.K.O-13-4	07.75
3.	202	13	1	2-77-O P.K.O-07-8	04.01
4.	247	155	0	2-40-8 P.K.O-60-4	03.37
5.	248	156	1	4-32-7 P.K.O-28-3	08.50

TOTAL HECTARE AREA 18-29-3 i.e. 1,82,930 square metres.

SCHEDULE 'B'

Sr. No.	Survey No.		Hissa No.	Area	Assessment
	Old	New		H.R.	Rs. P.
1.	210	16	2	5-50-0 P.K.O-77-0	03.81
2.	210	16	3	0-40-0 P.K.O-17-3	00.25
3.	157	—	0	1-26-2 P.K.O-32-9	02.69
4.	17	—	1	4-80-6 P.K.O-09-6	06.78
5.	18	—	1	4-67-1 P.K.O-53-9	09-00
6.	19	—	1	3-05-0	06-06

TOTAL HECTARE AREA 21-59-6 i.e. 2,15,960 square metres.

2. If the Petitioners desire to sell the properties described in para 1 above during the pendency of Special Civil Suit No.14/2010/A, they shall obtain prior permission of this Hon'ble Court subject to such terms as this Hon'ble Court may fix but one of the terms shall be that the Petitioners deposit in trial Court a sum equivalent to Rs.5 Crores plus interest accrued thereon upto the date of grant of permission at such rate as this Hon'ble Court may deem fit to fix. Any sale/creation of third party rights in contravention of the injunction order referred to in para 1 shall be ab-initio void.

3. Petitioners and Respondent agree that Special Civil

Suit No.14/2010/A on the file of Civil Judge Senior Division at Panaji could be decided on or before 31/01/2016 and Petitioners and Respondent shall co-operate for expeditious disposal of the suit.

(III) Rules is made absolute in the above terms, with no order as to costs.

F.M. REIS, J.

ssm.