

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 720 OF 2015

MRS.ANTONIA MICHELLE ABEL. ... Petitioner
Versus
MRS. SUZANE PEREIRA. ... Respondent

Shri Preetam Talaulikar, Advocate for the Petitioner.
Shri G. Agni, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 12th October, 2015

ORAL ORDER:

Heard Shri P. Talaulikar, the learned Counsel for the petitioner
and Shri G. Agni, the learned Counsel for the respondent.

2. By this petition, the petitioner is challenging the order dated 11/08/2015 passed below application Exhibit D-27 by the learned Executing Court.

3. The petitioner is the judgment debtor against whom a decree for eviction is passed and which has attained finality as it was challenged unsuccessfully initially before the District Court and, thereafter, in a Second Appeal before this Court. It is further undisputed that an application for execution of the decree is pending before the Executing Court.

4. The application at Exhibit D-27 was filed by the petitioner on the

allegation that there was interference in the electric supply and water supply to the disputed premises. The learned Executing Court has dismissed the application, inter alia, on the ground that the decree for eviction has already attained finality and also on the ground that a similar application which was filed in the appeal before the Fast Track Court was dismissed on 30/10/2014 and said order had also attained finality.

5. The learned Counsel for the petitioner, on instructions from the petitioner, who is present before the Court, submits that at present there is no interference in the electric or the water supply.

6. Be that as it may, on hearing the learned Counsel for the parties and on perusal of the impugned order and further having regard to the fact that the eviction decree passed against the petitioner has already attained finality and the execution application is said to be on the verge of disposal, no interference is called for in the impugned order.

7. In the result, the Writ Petition is dismissed with no order as to costs. Needless to mention that having regard to the limited issue involved, the rival contentions of the parties on merits, if any, in the execution application, are kept open.

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