

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 122 OF 2015

IN

FIRST APPEAL NO. 61 OF 2015

MR. AKEEL SHAIKH (SINCE DECEASED)
AND ANR.,

... Applicants

Versus

BHUPINDER KAUR, REP. BY POA MR.
SANJAY MADKAIKAR AND 5 ORS.,

... Respondents

Mr. Thalmann Pradeep Pereira, Advocate for the applicants.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 13th July, 2015

P.C.:

Heard Mr. T. Pereira, learned Counsel appearing for the applicants. The above first appeal challenges the Judgment and Decree dated 30th April, 2014, passed by the learned Civil Judge, Sr. Division, (B Court) at Vasco-da-Gama in Regular Civil Suit No.87/2010/B(N) whereby the appellants, inter alia, have been directed by a mandatory injunction to demolish the bungalow constructed in the suit plot, within a period of 90 days and deliver vacant possession of the suit plot to the respondents.

2. During the course of hearing of the above civil application, Mr. T. Pereira, learned Counsel appearing for the applicants has brought to our notice that another defendant to the suit has already

preferred an appeal against the same Judgment and Decree before this Court, being First Appeal No.74/2014. The learned Counsel has also brought to our notice the conditions upon which the operation of the impugned Judgment and Decree was stayed by this Court by an order dated 23rd February, 2015.

3. Considering that the subject-matter of the Judgment and Decree in the present appeal is also the subject-matter in the said First Appeal No.74/2014, we find it appropriate to grant interim relief in favour of the applicants, on the same terms.

4. As such, the operation of the impugned Judgment and Decree dated 30th April, 2014 as against the applicants, is stayed subject to the applicants not creating any third party rights or surrendering the possession of the disputed bungalow or making any structural changes therein, until further orders. The applicants are also directed to deposit, in this Court, a sum of Rs.10,000/- every year, until disposal of the first appeal. The amount for the current year shall be deposited in this Court within three months from today. The amount so deposited, shall be invested by the Registry in a fixed deposit, in any nationalised Bank, initially for a period of two years and the same shall be renewed from time to time until disposal of the above appeal.

5. The application stands disposed of accordingly. Liberty to

the respondents to apply.

K. L. WADANE, J.

F. M. REIS, J.

ssm.