

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 193 OF 2015

IN

FIRST APPEAL NO. 16 OF 2015

SHRI. A. K. SARIN.

... Applicant

Versus

MICHAEL TONY FERNS.

... Respondent

Ms. Asha A. Desai, Advocate for the applicant.

Mr. Valmiki Menezes, Advocate for the Respondent.

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

Date:- 12th October, 2015

P.C.:

Heard Ms. Desai, learned Counsel appearing for the applicant and Mr. V. Menezes, learned Counsel appearing for the respondent.

2. The appeal has already been admitted. This is an application to stay the operation of the impugned Judgment and Decree dated 18.10.2014. Mr. Menezes, learned Counsel appearing for the respondent has pointed out that while decreeing the suit, the learned Trial Judge has directed the applicant to execute a deed of sale on payment of consideration. There is further an injunction granted restraining the applicant from parting with the possession to any third person or creating any third party right in respect of the

disputed property.

3. Ms. Asha Desai, learned Counsel appearing for the applicant, however, has pointed out that the applicant is only praying at this stage to stay the operations of the first part of the impugned Judgment and Decree, whereby the applicant has been directed to execute the sale deed on payment of balance consideration.

4. Hence, the operation of the impugned Judgment and Decree dated 18/10/2014 to the extent it directs the original defendants/applicant herein to execute a deed of sale by accepting the balance consideration referred to therein, is stayed.

5. The application is disposed of accordingly.

K. L. WADANE, J.

F. M. REIS, J.

ssm.