

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 150 OF 2016

IN

FIRST APPEAL NO. 126 OF 2015

MR. REMIZ CARDOZ AND 2 ORS. ... Applicant
Versus
MR. VIVIAN COUTINHO AND ANR. ... Respondent

Mr. Gaurang D. Panandiker, Advocate for the Applicants.
Mr. A. D. Bhobe, Advocate for the Respondents.

Coram:- F. M. REIS, J.

Date:- 6th October, 2016

P.C.

Heard.

2. This is an application for stay of the operation of the impugned Judgment and Decree dated 30.06.2015. The Decree is for recovery of money.

3. In the peculiar facts and circumstances of the case and after hearing the learned Counsel appearing for the Applicants and the Respondents, as the learned Counsel appearing for the Respondents consents that part of the amount decreed may be secured by an appropriate security, I find it appropriate in the interest of justice to dispose of the above application for stay by the following :

ORDER

(i) The operation of the impugned Judgment and Decree dated 30.06.2015 is stayed subject to the Applicants depositing in this Court a sum of Rs.30 lacs within six weeks from today.

(ii) The Respondents are at liberty to withdraw the amount of Rs.30 lacs so deposited subject to furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court that in case of any adverse Order against them, the Respondents shall refund such sum of Rs.30 lacs along with interest if so awarded by this Court whilst disposing of the Appeal filed by the Applicants/original Appellants.

(iii) In addition to the above, the Applicants shall deposit the original title Deeds of the Villa A1, admeasuring a super built-up area of 208.21 square metres in the Complex "Aldeia Serenia", in Assagao Village, Bardez Taluka with the Registrar (Judicial) of this Court within two weeks from today.

(iv) The said Villa A1 shall be attached through the Bailiff of the Court and the Applicants/Appellants shall be appointed as Receiver of such premises until further Orders of this Court.

(v) The Valuation Report produced by the Applicants is taken on record and marked 'X' for identification.

(vi) The above directions shall be subject to further orders which may be passed in the above Appeal.

(vii) The Application stands disposed of accordingly.

F. M. REIS, J.

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