

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 36 OF 2016

IN

FIRST APPEAL NO. 11 OF 2016

MR. ABHISHEK K. RAI.

... Applicant

Versus

SHRI. RAMAKANT GAJANAN KADAM AND
14 ORS.,,

... Respondent

Mr. Valmiki Menezes, Advocate for the applicant.

Mr. Ashwin D. Bhobe, Advocate for the respondents No.1,2,3,4,5,6,7
& 8

Coram:- F. M. REIS, J.

Date:- 16th April, 2016

P.C.:

The first appeal has already been admitted. The applicant, by this application, is praying for an interim relief to restrain the respondents from creating third party right in respect of the subject property. The records reveal that by the impugned Judgment and Decree, the suit filed by the appellants for specific performance came to be dismissed.

2. Mr. Valmiki Menzes, learned Counsel appearing for the applicant submits that there was an interim order in operation during the pendency of the suit, which came to be vacated in view of the impugned Judgment passed by the learned Trial Judge.

3. Mr. Bhobe, learned Counsel appearing for the respondents No.1 to 8 opposes any interim relief as, according to him, the findings of the learned Trial Judge are that there was no concluded agreement between the applicant and the respondents. It is further pointed out that the respondents would suffer irreparable loss in case any interim relief is granted in favour of the applicant.

4. In the peculiar facts and circumstances of the case, and considering the findings of the learned Trial Judge, I find it appropriate to dispose of the above application by restraining the respondents from creating any third party right, subject to the applicant depositing in this Court a sum of Rs.5,00,000/-, within four weeks from today. The amount so deposited shall be invested by the Registry in a fixed deposit in any Nationalized Bank initially for a period of one year and the same shall be renewed from time to time, until disposal of the first appeal. The amount deposited shall be subject to further orders that may be passed by this Court while disposing of the appeal on merits. Liberty to the respondents to move for modification or otherwise and such application shall be examined upon hearing the applicant, in accordance with law.

5. The application stands disposed of accordingly.

F. M. REIS, J.

ssm.