

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1051 OF 2016

MR. ANSELMO PAULO FRANCISCO
D'SOUZA.,

... Petitioner

Versus

MRS. MARY D'SOUZA.,

... Respondent

Mr. Myron D'souza, Advocate for the petitioner.

Coram:- F. M. REIS, J.

Date:- 23rd November, 2016

P.C.

Heard Mr. M. D'Souza, learned Counsel for the petitioner.

2. The main grievance of the petitioner is that though the Execution Proceedings have been initiated to comply with the consent decree passed by the learned Civil Judge, Junior Division at Panaji, the matter has been unnecessarily delayed due to frivolous objections raised by the Judgment Debtor/respondent herein. The learned Counsel further points out that as the decree was sought to be executed within two years, the learned Executing Court had no discretion but to proceed to execute the decree. The learned Counsel further submits that despite of producing an order passed by this Court in support of such contention, the learned Executing Court proceeded to issue notice and has delayed in disposing of the Execution Proceedings. It is further pointed out that there was urgency to demolish the compound wall in the terms of the decree as

the monsoon were approaching as otherwise grave and irretrievable damage would occasion to the petitioner.

3. In view of the above, contentions as the delay in proceeding with the Execution Proceedings is stated to cause grave prejudice to the petitioner, I find it appropriate to dispose off the above Writ Petition by directing the Executing Court to dispose off the Execution Proceedings in terms of the consent decree dated 11.5.2015 as expeditiously as possible and in any event on or before 31.1.2017 in accordance with law.

4. Petition stands disposed off accordingly.

F. M. REIS, J.

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