

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.188 of 2017

in

FIRST APPEAL NO.106 of 2017

AND

CIVIL APPLICATION NO. 131 OF 2017

in

STAMP NUMBER MAIN NO.2572 of 2014

CIVIL APPLICATION NO.188 of 2017

in

FIRST APPEAL NO.106 of 2017

Vida Calma Homes Pvt Ltd Rep by
its Managing Director Mr. Roy
Patrao

... Applicant

Versus

Mrs. Lyra C. Vaidya nee Rodrigues ... Respondent

Mr. A. D. Bhobe and Ms. S. Bhobe, Advocates for the applicant.

Ms. I. Sayed, Advocate for the respondent.

AND

CIVIL APPLICATION NO. 131 OF 2017

in

STAMP NUMBER MAIN NO.2572 of 2014

Mrs. Lyra C. Vaidya Nee Rodrigues .. Applicant

Vs.

Vida Calma Homes Pvt Ltd Rep by
its Managing Director Mr. Roy
Patrao

.. Respondent

Ms. I. Sayed, Advocate for the applicant.

Mr. A. D. Bhobe and Ms. S. Bhobe, Advocates for the respondent.

Coram :- C. V. BHADANG, J.

Date :- 1st November, 2017

P.C.

Heard the learned Counsel for the parties.

2. First Appeal No.106/2017 challenging the judgment and decree dated 26/03/2013, passed in Special Civil Suit No.149/2008/B has already been admitted. By the impugned decree, the learned Trial Court has declared the Gift Deed dated 01/10/1974, Sale Deeds dated 20/05/1984 and 27/04/2007 as null and void. The appellant in the First Appeal, who is the original defendant no.5, has been restrained from creating third party interest in the suit property. The appellant is seeking stay of the impugned judgment and decree vide Civil Application No.188/2017, the respondent no.1, vide Civil Application No.131/2017 is seeking an order restraining the appellant (defendant no.5) from creating third party interest. In fact, similar order has already been passed by the learned Trial Court. Be that as it may, considering the fact that the First Appeal is already admitted and on hearing the parties, Civil Application No.188/2017 is allowed in terms of prayer clause (a). Both the parties are directed to maintain status-quo and shall not create any third party interest in the suit property. C. A.No.131/2017 is accordingly disposed off.

C. V. BHADANG, J.

SMA