

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 39 OF 2017

IN

FIRST APPEAL NO. 6 OF 2016

SHRI. CAMILO D'SILVA, THR. POA
EDLINA CARRASCO.,

... Applicant

Versus

MRS. MARIA PRIMA D'SOUZA AND 7
ORS.,

... Respondents

Mr. Devidas J. Pangam, Advocate for the Applicant.

Mr. Vishwadh Sardessai, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 11th September 2017

P.C:

The dismissal of the suit for specific performance, filed by the applicant is subject matter of Appeal. The Appeal is admitted. Undisputedly, there was no order operating during the pendency of the suit, directing the respondents/defendants not to create any third party rights in the suit property. Once the applicant has not been found to be entitled to a decree for specific performance and in view of the fact that no such order was operating during the pendency of the suit, no case for grant of interim relief, is made out. However, needless to mention that any transaction, if, entered into, will be subject to lis pendens under Section 52 of the Transfer of Property Act.

2. The civil application stands disposed of in the aforesaid terms.

C. V. BHADANG, J.

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