

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO. 140 OF 2016
IN
SECOND APPEAL NO. 25 OF 2016

MR.DHONDU SHANKAR VAIGANKAR AND
ANR. ... Applicant

Versus

SHRI. YESHWANT KESHAV VAIGANKAR
AND 12 ORS. ... Respondent

Shri S. M. Usgaonkar, Senior Advocate with Ms. V. Palyekar,
Advocate for the applicant.

Shri D.J. Pangam, Advocate for the Respondents no.1 & 2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 1st September 2017

P.C.:

Heard Shri S.M. Usgaonkar, learned Senior Advocate
for the applicants/Appellants and Shri D.J. Pangam, learned
Advocate for the respondents no.1 and 2.

2. It is a matter on record that the Second Appeal has
been admitted on 14/07/2016 on the substantial questions
of law.

3. It is the contention of Shri Usgaonkar, learned Senior
Counsel that the contesting respondents have been
pursuing the execution proceedings before the learned trial
Court which would prejudice the right of the Applicants if

the Judgment, Order and Decree passed by learned Trial Court are not stayed. Shri Usgaonkar, learned Senior Counsel submits that the said execution proceedings are listed for hearing on 8/09/2017 where the execution of the said decree is seriously pressed for by the respondents. Considering that the Second Appeal has been admitted and the rights of the applicants will be prejudiced if the execution proceedings are not stayed, stay is granted of the said execution proceedings.

4. It is the contention of Shri Pangam, learned advocate for the respondents no.1 and 2 that the interest of the said Respondents in the disputed property is required to be secured monetarily. Hence, the applicants shall make an annual deposit of ₹25,000/- (Rupees Twenty Five Thousand only) till the final disposal of the said Second Appeal.

5. The applicant shall make the deposit for the current year within three weeks from today and continue to deposit the same every year pending the hearing and final disposal of the said Second appeal. The said amount is to be deposited in a Fixed Deposit in any National Bank. The said annual deposit will be made by the 30th September of

every year.

6. In view thereof, the present application stands disposed off.

7. Liberty is granted to seek the expeditious hearing of the appeal.

8. Parties to Act on the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

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