

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 202 OF 2015

IN

FIRST APPEAL NO. 101 OF 2015

MR.NIRMAL KANT SHAH AND 2 ORS., ... Applicants

Versus

MR.ALFRED THOMAS D'SOUZA AND ANR., ... Respondents

Ms. Ankita Kamat, Advocate holding for Mr. Vishnuprasad A. Lawande, Advocate for the Applicants.
Mr. Valmiki Menezes, Advocate with Mr. Akshay Shirodkar, Advocate for the Respondent-1.

Coram:- C. V. BHADANG, J.

Date:- 20th November 2017

P.C.

Heard Ms. Ankita Kamat, the learned Counsel appearing for the Applicants and Shri Valmiki Menezes, the learned Counsel appearing for the Respondents.

2. This is an application for stay of the Impugned Judgment and Decree dated 23.06.2015 passed by the learned Senior Civil Judge, Mapusa in Special Civil Suit no. 24/2011/C.

3. By the Impugned Judgment the suit filed by the Respondent no. 1 has been decreed declaring the Sale Deeds dated 12.09.2008 registered with the Sub-Registrar as null and void.

The Learned Trial Court has directed the Sub-Registrar to delete/cancel the entry in respect of the Sale Deeds.

4. The First Appeal filed by the Applicants has already been admitted. Considering the fact that the Sale Deeds in favour of the Applicants, have been cancelled, by the Impugned Judgment, it is not possible to grant blanket stay on the Impugned Judgment and Decree, which will have an effect of reviving the Sale Deeds. However, at this stage, the limited interim relief can be granted directing the Sub-Registrar not to act on the basis of the Impugned Judgment and not to delete the entry of the Sale Deeds from the records. This shall be subject to the condition that the Applicants and the Respondent no. 1 shall maintain status quo. Ordered accordingly.

4. The Application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

msr