

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CIVIL APPLICATION NO. 243 OF 2016**

**IN**

**FIRST APPEAL NO. 117 OF 2016**

M/S. AMRITA TOWERS PVT. LTD.,  
REPRESENTED HEREIN BY ITS  
AUTHORIZED, MR. PARVEEN KUMAR., ... Applicant  
Versus  
MR. DIGAMBAR SHANTARAM RAIKAR AND  
ANR., ... Respondents

Mr. Ashwin D. Bhobe, Advocate for the applicant.  
Mr. R. G. Ramani, Advocate for the respondents.

Coram:- F. M. REIS, J.

Date:- 17th February, 2017

P.C.

Heard Mr. A. D. Bhobe, learned counsel appearing for the applicant and Mr. R. G. Ramani, learned counsel appearing for the respondents.

2. This is an application for interim relief inter alia to direct the respondents not to create any third party rights or create any charge/lien/mortgage in respect of the property. The suit filed for specific performance by the applicant came to be dismissed.

3. It is pointed out by Mr. Ramani, learned counsel appearing for the respondents that the agreement came to be terminated as according to the respondents the applicant had not performed their part of the contract whereby they were liable to

put up two bungalows having value more than two and half crores.

4. Mr. Bhobe, learned counsel however submits that there was an injunction operating during the pendency of the suit and according to him the bungalows could not be constructed in view of the default committed by the respondents herein.

5. Upon hearing the learned counsel, as the suit was dismissed, I find that in the interest of justice equity has to be balanced and as such the respondents shall not create any third party rights or create any charge/lien/mortgage in respect of the subject property subject to the applicant depositing a sum of Rs.5,00,000/- in this Court within eight weeks from today. In case such amount is deposited, the Registry is directed to invest the said amount in a fixed deposit of any Nationalized bank initially for a period of one year and the same be renewed from time to time until the disposal of the appeal. Needless to say that the amount so deposited shall be subject to the orders that may be passed at the time of the final disposal of the appeal. The application stands disposed of accordingly.

F. M. REIS, J.

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