

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 125 OF 2018

IN

FIRST APPEAL NO. 123 OF 2017

ALVARO JOAQUIM SANTANA GOMES (DEC)
REP. BY HIS LRS. AND ANR.,

... Applicants

Versus

RAJESH RAGHUNATH NAIK AND ANR.,

... Respondents

Shri P. P. Singh, Advocate for the Applicants.

Coram:- C. V. BHADANG, J.

Date:- 30th July 2018

P.C.

This is an application for stay of the impugned judgment and decree, passed by the learned Trial Court, directing the applicants/original plaintiffs to execute the sale deed of the suit shops in favour of the respondent no. 1/original defendant no. 1.

2. The learned Trial Court, while dismissing the suit filed by the applicants, has allowed the counterclaim filed by the respondents/defendants. The First Appeal, challenging the said judgment and order is already Admitted.

3. A notice was issued to the respondents. However, the respondents have chosen not to appear, though served.

4. Considering the nature of the decree passed and having regard to the fact that the First Appeal is Admitted, the present civil application is allowed. The impugned judgment and decree, directing the applicants to execute the sale deed of the suit shops in favour of the respondent no. 1, is hereby set aside, during the pendency of the Appeal.

5. The Civil Application is disposed of.

C. V. BHADANG, J.

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