

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 244 OF 2017

IN

SECOND APPEAL NO. 116 OF 2017

ANTHONY JOSEPH D'SOUZA., ... Applicant

Versus

THEREZA COUNTINHO AND 6 ORS., ... Respondents

Shri Nigel Da Costa Frias, Advocate for the applicant.

Shri Joseph Vaz, Advocate for the respondent nos.2(e,f,h,i&j).

Coram:- C. V. BHADANG, J.

Date:- 9th July 2018

P.C.

Heard.

2. This is an application for stay of the operation and execution of the impugned judgment.

3. Shri Costa Frias, the learned Counsel for the applicant submits that there was an injunction operating during the pendency of the suit before the Trial Court, restraining the respondents from dispossessing the appellants from the suit shop.

It is submitted that ultimately, the counterclaim of the respondents was partly decreed, directing the appellant to deliver

the possession of the suit shop to the respondents, which was stayed during the pendency of the appeal.

4. In such circumstances and further having regard to the fact that the Second Appeal is admitted, the present application is allowed in terms of prayer clause (a).

C. V. BHADANG, J.

SMA