

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 169 OF 2018

IN

SECOND APPEAL NO. 72 OF 2018

DELTA ASSOCIATES, THR. ITS
PARTNER, MULLA AFZAL.,

... Applicant

Versus

MULLA SHAIKH ABDUL GAUS AND 2
ORS.,

... Respondents

Mr. N. Sardessai, Senior Advocate with Adv. Vibhav Rajiv
Amonkar for the Applicant.

Adv. Ashwin D. Bhobe with Adv. Ms. Kalpa Govekar for
Respondent nos.1 & 2.

Coram:- C. V. BHADANG, J.

Date:- 16th April 2019

P.C.:

Heard the learned counsel for the parties. Perused record.

2. The Second Appeal against the decree of demolition of the subject premises has already been admitted and as such, that part of the decree will have to be stayed. The only contention raised by Mr. Bhobe, the learned counsel for the respondent nos.1 and 2 is that the subject premises have not got occupancy certificate and thus cannot be allowed to be occupied. Mr. Sardessai, the learned Senior Counsel for the applicant points out that the applicant has already executed agreements of sale and the third parties are in possession, which is disputed by the learned

counsel for the respondent nos.1 and 2. In any event, the only decree which is passed against the applicant is one of demolition which is hereby stayed, pending disposal of the appeal. This will, however, not preclude the third respondent/Village Panchayat and any other statutory authority to take action, in the context of the absence of an occupancy certificate, in accordance with law.

3. The civil application is disposed off on the aforesaid terms.

C. V. BHADANG, J.

ap/-