

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 65 OF 2018

IN

SECOND APPEAL NO. 32 OF 2018

SHAIKH IDRESH, THR. POA, SHAIKH
HUSSAIN AND ANR.,

... Applicants

Versus

SHAIKH IBRAHIM @ XEC IBRAIMO, REP.
BY HIS CONST. ATTORNEY, IMTIAZ
SHAIK (DEC) THR. LRS AND 2 ORS.,

... Respondents

Mrs. A. Agni, Senior Advocate with Ms. J. Sawaiker, Advocate
for the Applicants.

Mr. A. D. Bhobe, Advocate for the Respondent nos.1(a) to 1(h).

Coram:- C. V. BHADANG, J.

Date:- 29th March 2019

P.C.

Heard the learned Counsel for the parties.

2. This is an application for stay. The applicant has suffered a Decree for eviction from residential premises.

3. The Second Appeal challenging the impugned judgment and decree is already admitted.

4. Having regard to the fact that the premises are residential premises, it would be appropriate to direct the applicant to pay an amount of Rs.2,000/- per month as occupation charges and a condition for stay from 01.02.2018 during the disposal of the appeal.

5. In the circumstances, the following order is passed :

(i) The impugned judgment and decree to the extent of delivery of possession is stayed subject to the applicant depositing an amount of Rs.2,000/- per month from 01.02.2018.

(ii) The arrears of the occupation charges from 01.02.2018 till 31.03.2019 shall be deposited before this Court within a period of six weeks from today.

(iii) The applicant shall continue to deposit the amount from April 2019 onwards, on or before the 10th of each English Calendar month.

(iv) The applicant shall not create any third party right and shall not part with possession of the suit premises during pendency of the appeal.

6. The Civil Application is disposed off in the aforesaid terms.

C. V. BHADANG, J.