

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 196 OF 2013

IN

FIRST APPEAL NO. 124 OF 2013

ERIC FERNANDES

... Applicant

Versus

BALBIR SINGH CHABRA 3 ORS.,

... Respondents

Mr. Gaurish N. Agni, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 13th August, 2019

P.C.

Heard Mr. Agni, the learned Counsel for the applicant. None appears for the respondents, though served.

2. This is an application for stay. The First Appeal challenges the judgment and decree passed by the Trial Court, by which, the applicant/defendant no. 1 is ordered to specifically perform the agreement dated 23.11.2002 alongwith subsequent variations and to construct and transfer and convey the suit houses and suit plots as per the plans supplied by the plaintiffs. The applicant/original defendants or anybody on their behalf are restrained from alienating or creating any third party rights in the suit properties.

3. In view of the fact that First Appeal is already Admitted and that the respondents have chosen not to contest the present application, the same is partly allowed, directing stay of the part of the impugned judgment and decree granting specific performance in favour of the respondents. Needless to mention that Execution Application No. 30/2013, is hereby stayed, pending disposal of the First Appeal.

4. The Civil Application is disposed off.

C. V. BHADANG, J.

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