

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 134 OF 2018

KARAN K., ... Appellant

Versus

ANTONIO DE MATOS SEQUEIRA., ... Respondent

Mr. Vibhav Rajiv Amonkar, Advocate for the Appellant.
Mr. Ryan Da Piedade Menezes, Advocate for the Respondent.

Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 24th January 2019

P.C.

Heard the learned counsel for the parties.

2. Since this is a First Appeal, we admit the same.
3. Mr. R. Menezes waives service on behalf of the Respondent.
4. The Appellant is directed to prepare a private paper book and file the same within six weeks from today. The copy of the private paper book to be served on the learned counsel for the Respondent.
5. There shall be a stay on the execution and implementation

of the impugned judgment and order dated 9th January, 2018 subject to following terms and conditions:

(a) The Appellant shall deposit the entire decretal amount together with interest as awarded in this Court within a period of six weeks from today;

(b) The Appellant shall w.e.f. the date of the impugned decree i.e. 9th January, 2018, deposit in this Court the compensation at the rate of Rs.21,000/- per month on or before the 10th day of each month;

(c) The time limit for deposit of arrears from 9th January, 2018 shall be six weeks;

(d) From out of the deposit amount, the learned counsel for the Appellant concedes that the Respondent may withdraw the contractual compensation amount, which was Rs.13,500/- per month;

(e) The balance amount to be invested in a nationalized bank in a suitable financial instrument by the registry of this Court, initially for a period of one year;

(f) In case of any two consecutive defaults or three non consecutive defaults, the interim relief now granted to stand vacated without further reference to this Court;

(g) The decretal amount, so deposited is also directed to be invested in the aforesaid terms;

(h) The Appellant shall be entitled to credit in the amount

said to have been deposited by him in the executing Court.

6. After the paper book is filed, liberty to the parties to apply for expeditious disposal of this appeal.

7. The compensation is determined at the rate of Rs.21,000/- per month because the parties, in the year 2012 had agreed that the compensation in respect of said premises would be Rs.13,500/- per month.

8. Taking into consideration the escalation of over seven years, this amount has been determined. Besides the suit premises is a two bedroom apartment situated at Caranzalem, Panaji Goa.

9. The Civil Application No.199 of 2018 is disposed of in the aforesaid terms.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

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