

IN THE HIGH COURT OF BOMBAY AT GOA**FIRST APPEAL NO.85 OF 2019**

Manisha Devendra Kamat

.... Appellant

V/s

M/s. Modelama Exports Ltd. & Ors.

.... Respondents

Mr. Parag Rao, Advocate for the Appellant.

Mr. Joseph Vaz, Advocate for the Respondent.

**Coram :- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.****Date:- 28th June, 2019****ORAL ORDER : (Per S. C. GUPTE, J.)**

This First Appeal challenges an order passed in an execution application of the appellant (claimant in the execution application) made under Order XXI Rule 58 of the Code of Civil Procedure.

2. After the matter was heard at some length, it is agreed between the learned Counsel for the parties that the impugned order dated 15/06/2019 may be set aside and the matter remanded to the Trial Court for a fresh consideration in accordance with law. It is made clear that the Trial Court has to decide the application one way or the other after allowing the parties to lead evidence, if any, and at the final hearing of the

application. Since the amount involved in the matter is quite large and bonafides of the claimant are in dispute, the District Court, South Goa at Margao is requested to dispose of the execution application as expeditiously as possible and preferably within a period of one year. It is also made clear that the hearing of the execution application shall not preclude the decree holder from executing the decree against any other property of the judgment debtor or by any other mode available to it under law. All rights and contentions of the parties on merits of the application are kept open. First Appeal is partly allowed in the above terms.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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