

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 40 OF 2018

ANTONETTA PIEDADE LINA FERNANDES E
BRAGANZA AND ANR., ... Appellants

Versus

AUGUSTA CANDIDA FERNANDES @
AUGUSTA GOMES AND 6 ORS., ... Respondents

Mr. Ashwin D. Bhobe, Advocate for the Appellants.

Mr. Raunaq Rao, Advocate for the Respondent Nos. 1 to 5.

Coram:- C. V. BHADANG, J.

Date:- 31st January 2019

ORAL ORDER:

Heard Mr. Bhobe, the learned Counsel for the appellants and Mr. Rao, the learned Counsel for the respondent nos. 1 to 5.

2. The appellants, who are the original defendant nos. 1 and 2, are challenging the order dated 02.04.2018, passed by the learned Trial Court, below the application at Exhibit D-3, whereby the appellants or anybody acting on their behalf are restrained from selling, mortgaging, alienating or disposing of the suit properties and/or creating third party interest or right in the disputed suit properties.

3. On hearing the learned Counsel for the parties, I do not find that any case for interference is made out.

4. At one stage, it is submitted by Mr. Bhobe, the learned Counsel for the appellants that in the event, this Court is not inclined to entertain the appeal, this Court may observe that the findings as regards the conduct of the Advocate and the defendants, shall not affect the merits of the case, at the trial.

5. It is evident that the observations, if any made, are of prima facie nature and would not be per se binding at the trial of the suit. Subject to this, the appeal is dismissed, with no order as to costs.

C. V. BHADANG, J.

EV