

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 212 OF 2019

IN

FIRST APPEAL NO. 138 OF 2019

QUEROBINA FERNANDES E D'SOUZA,
REP. BY CONST. ATT., VINCENTE
ALEXIO RODRIGUES AND ANR.,

... Applicants

Versus

SERAFINA MORAES E FERNANDES (DEC)
THR. HER LRS. AND 8 ORS.,

... Respondents

Mr. Ivan Santimano, Advocate for the Applicants.
Mr. Ashwin D. Bhobe, Advocate for Respondents no.6 & 7.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 8th January, 2020

P.C.:

Heard Mr. Ivan Santimano for the Applicants and Mr.
Ashwin D. Bhobe for Respondents no.6 & 7.

2. Mr. Bhobe, the learned counsel for respondents no.6 and 7 submits that now that the respondents have a decree in their favour, the respondents should not be deprived of the full use of the suit property. He submits that it is necessary to construct a compound wall in order to protect the suit property and therefore, the ad interim relief already granted may not be confirmed.

3. Mr. Ivan Santimano, the learned counsel for the Applicants points out that during the pendency of the suit there was interim relief in operation. He points out that now that the appeal is admitted, it is only proper that the interim relief is continued so that the status quo is not altered. He points out that already there is barbed wire fencing installed by the respondents no.6 and 7 that will afford sufficient protection.

4. Since, interim relief was already in operation during the pendency of the suit and the property is already enclosed by barbed wire fencing, we feel that the ad interim order made earlier is required to be confirmed, so that, pending the appeal, there is no serious change in the status quo.

5. Accordingly, we confirm the ad interim relief granted earlier and dispose of this civil application.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.