

IN THE HIGH COURT OF BOMBAY AT GOA

**FIRST APPEAL NO. 151 OF 2019
AND
CIVIL APPLICATION NO.247 OF 2019**

NIRMALA @ GANDIQUE RAJARAM
FOTTO.

... Appellant

Versus

SHEILA DHODY AND 10 ORS.

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. N. Amonker, Advocate for the Appellant.

Mr. A. D. Bhobe, Advocate for Respondent No.1.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 24th February, 2020

P.C.

Heard Mr. Lotlikar, learned Senior Advocate who appears alongwith Mr. N. Amonker for the Appellant and Mr. A. D. Bhobe, learned counsel for Respondent No.1.

2. Mr. Lotlikar submits that Respondent Nos.1 to 11 have been duly served and in any case they are also vendors of the suit property which is sold to Respondent No.1.

3. We admit this appeal.

4. In so far as the interim relief is concerned, we find that during the pendency of the suit in which the impugned decree has been made, the interim relief was already operating in favour of the Appellant-original Plaintiff. In terms of such interim relief, the Respondent No.1 was restrained from interfering with the possession of the Appellant qua the suit property. Now that this appeal is admitted, we see no good reason as to why the same interim relief ought not to operate. However, Mr. Bhobe, learned counsel for Respondent No.1 points out that now there is a decree in favour of the Respondent No.1, such interim order ought not to continue. In any case, he submits that even the Appellant should be restrained from creating any third party right or parting with the possession of the suit property.

5. According to us, the interim order which was in operation during the pendency of the suit is required to be continued during the pendency of the present appeal. The same is accordingly ordered. At the same time, even the Appellant is required to maintain status quo and not part with the possession or otherwise create any third party right in the suit property.

6. Considering that the Appellant is a senior citizen, the hearing in the appeal is expedited.

7. Mr. Lotlikar states that the private paper book will be filed within a period of four months from today. Once the private paper book is filed, liberty to the Appellant to apply for a fix date for disposal of this appeal.

8. The Civil Application No.247 of 2019 seeking interim relief is also disposed of in the aforesaid terms.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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