

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.51 OF 2021

IN

WRIT PETITION NO.575 OF 2012

MALCOM SEBY COLACO

... Applicant.

Versus

ANTONIO MANUEL D FERNANDES

AND 2 ORS.

... Respondents.

Mr. Parikshit Sawant, Advocate *for the Applicant.*

Mr. J. Ramaiya holding for Mr. Cleofato Almeida, Advocate *for Respondent Nos.1 and 2.*

Coram: MANISH PITALE, J.

Date: 22nd December 2021.

P.C.:

1. By the present petition, the Petitioner has challenged an order whereby his application for stay of auction in inventory proceedings was dismissed. According to the learned Counsel for the Petitioner, this was based on misinterpretation of the Portuguese Civil Code.

2. This Court granted interim stay of further proceedings before the Court below by order dated 21.08.2012. Thereafter, on 13.12.2012, Rule was granted in the petition.

3. The present application has been filed in the light of directions of the Hon'ble Supreme Court in the case of *Asian Resurfacing of Road Agency Private Limited and Another Vs. Central Bureau of Investigation*; (2018) 16 SCC 299, wherein it has been held that interim orders granting stay of proceedings of Courts below shall expire after a period of six months.

4. The contentions raised in the writ petition are reiterated by the learned Counsel appearing for the Petitioner and he submits that the interim stay granted by this Court deserves to be continued during the pendency of the writ petition in the interest of justice.

5. This Court has heard the learned Counsel for the parties on the question of continuance of the interim order. Since a strong prima facie case is made out on behalf of the Petitioner, this Court is of the opinion that the interim stay of proceedings before the Court below ought to be continued until further orders.

6. Hence, the application is disposed of by directing that there shall be stay to inventory proceedings pending before the Court below.

7. Hearing of the writ petition is expedited.

MANISH PITALE, J.