

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO.189 OF 2019
IN
SECOND APPEAL NO. 77 OF 2019**

CRISPINO BARBOSA AND ANR.,APPLICANTS.

Versus.

MARIA DO CARMO LEZITA (DEC)
THR. LRS. AND 10 ORS.RESPONDENTS.

Mr. Ashwin D. Bhobe, Advocate *for the Applicants.*

Mr. Esperdio Dias Do Rosario, Advocate *for the Respondents
No.1(a) to 1(c) and 2.*

CORAM : M. S. SONAK, J.

DATE : 29th September 2022

P.C. :-

1. Heard the learned Counsel for the parties. There shall be interim relief in terms of prayer clause (a) of the civil application, which reads as follows :

“a) For stay of the operation / execution / implementation of the Judgement and Decree dated 27/09/2017 passed by the District Judge-1, North Goa, Panjim in Regular Civil Appeal No. 81/2015, pending the hearing and final disposal of the present appeal.”

2. The above interim relief is subject to the condition that the Applicants/Appellants deposit in this Court compensation at the rate of ₹12,000/- per month. The first of such deposits shall be made on or before 5th of November 2022.

3. Considering the submissions made by Mr. Bhobe, the Applicants/Appellants may deposit in this Court only 50% of the arrears at this rate between 1st October, 2017 and 1st October, 2022. The arrears to be deposited within 4 (four) months from today. However, the Applicants/Appellants should regularly deposit the amount of ₹12,000/- per month on or before the 5th day of each succeeding month. In case of failure to deposit the 50% of the arrears or any two consecutive defaults in depositing such amount, the interim relief granted today, to stand vacated without further reference to this Court.

4. The impugned Judgment and Decree was made on 27th September, 2017 by the First Appellate Court. From the photographs produced, it is evident that the suit property is not a small hut as was represented. Besides, the house which is now protected by the interim order granted above, is located on the Panaji-Mapusa highway. Mr. Bhobe has submitted that the house is not being used for any commercial purposes and the financial

position of the Applicants/Appellants is also not very sound. It is only upon consideration of these submissions that the liberty is granted to deposit only 50% of the arrears.

5. Upon deposit of 50% of the arrears, liberty is granted to the Applicants/Appellants to apply for fixing a peremptory date to hear the Second Appeal.

6. Civil Application is disposed of.

M. S. SONAK, J.