

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.237/2018
IN
SECOND APPEAL NO.110/2018
WITH
CIVIL APPLICATION NO.217/2018
IN
SECOND APPEAL NO.97/2018

PETER AMBROSE ANTHONY
MENEZES, REP. BY
APPELLANT NO. 3 AND 4 ORS. ... APPLICANTS

Versus

MARTIN SEBASTIAN
PERPERTUAL PETER
MENEZES AND 8 ORS. ... RESPONDENTS

Mr. J. Godinho, Advocate for the Applicants.

Mr. Ashwin Bhobe, Advocate for Respondents No.1, 3, 4,
5, 6 and 7.

Mr. Sachin Desai, Advocate for Respondents No.8 and 9.

CORAM: M. S. SONAK, J.

DATED: 25th November 2022

P.C.:

1. Heard learned counsel for the parties.

2. The decree in this case does not direct the eviction of any of the respondents. The respondents are however enjoined from carrying out any construction or selling or alienating the suit property.

3. Learned counsel for the respondents state that they have no intentions of undertaking any constructions or selling or alienating the suit property. The appeal instituted by the respondents is also admitted by this Court however, there is no stay. This means that the respondents are, for the present, bound not to undertake any construction or sell or alienate the suit property.

4. The civil applications now seek a restraint on the respondents undertaking any business from the suit property. No such relief was granted at any stage earlier during the pendency of either the Suit or the First Appeal. The appellant admits that the respondents no.1 to 7 are the co-owners in respect of the suit property. In these circumstances, no case is made out for grant of any injunction to restrain the respondents from undertaking any activities in the suit property.

5. For the same reasons, no case is made out to even direct the respondents to deposit any amounts in this Court during the

pendency of these appeals. Admittedly, there was no prayer for any mesne profits or such similar relief in the Suit.

6. However, the hearing of Second Appeal No.110/2018, Second Appeal No.97/2018 and Second Appeal No.1/2019 is expedited.

7. The Civil Applications are disposed of.

M. S. SONAK, J.

SUCHITRA
NANDAN SINGBAL

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