

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO.248 OF 2019
IN
FIRST APPEAL NO.153 OF 2019

ASSOCIACAO DE A. E REPOUSO DE
TRABALHO DE CORTALIM, REP. BY
POA, FR. MICHAEL MASCARENHAS
AND ANR., Applicants.

Versus.

NELSON FERNANDES AND 17 ORS., Respondents.

**Mr. M.B. D'Costa, Senior Advocate with Ms. Karishma
Betquecar, Advocate for the Applicants.**

Mr. A.D. Bhobe, Advocate for the Respondents.

**CORAM : M. S. SONAK &
R.N. LADDHA, JJ.**

DATE : 1st March 2022

P.C. :-

1. Heard the learned Counsel for the parties.
2. By the impugned decree, the Applicants/Appellants have been ordered to be evicted from the suit property. The First Appeal has already been admitted. The Applicants/Appellants have pointed out that they were appointed as the custodian of the

suit property vide order dated 29/11/1951 during the erstwhile Portuguese regime. The ad interim order though granted *ex parte*, has also been operating for some time.

3. Accordingly, we think that the ad interim relief granted on 14/01/2020 requires to be confirmed. We hereby confirm the same by reiterating that even the Appellants will have to maintain status quo and refrain from creating any third party rights or parting with the possession of the suit property during the pendency of the Appeal.

4. The execution of the impugned decree is, therefore, stayed subject to the aforesaid.

5. Civil Application No.248 of 2019 is disposed of.

R.N. LADDHA, J.

M. S. SONAK, J.