

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL UNDER ARBITRATION ACT NO.3 OF 2023

ALTAF TUMBI

... APPELLANT

Versus

JEROME ANTON TITUS (DEC) THR. LRS
AND 2 ORS

... RESPONDENTS

Mr. Gaurish Agni, Advocate with Mr. Kishan Kavlekar, Advocate for the Appellant.

Mr. Chirag Angle, Advocate for Respondent Nos. 2 and 3.

CORAM:- M. S. SONAK, J.

DATED :- 14th December, 2023

P.C.

Heard Mr. Agni, learned Counsel for the Appellant and Mr. Angle, learned Counsel for the Respondent nos. 2 and 3.

2. This is an appeal against Order dated 21.12.2022 by which, the learned Principal District Judge, North Goa, dismissed the Appellant's application under Section 9 of the Arbitration and Conciliation Act, 1996, seeking interim reliefs pending arbitration.

3. The interim relief prayed for was to restrain the Respondents from selling or alienating the suit property.

4. Mr. Agni fairly points out that the Respondents have already sold

and alienated the suit property. The Respondents have also filed an affidavit dated 04.11.2023 placing the Sale Deed dated 24.02.2023 on record.

5. If that is so, the the application for interim relief has been rendered infructuous. However, at Mr. Agni's request, it is clarified that the Appellants will have the right to take such steps as they may be advised in relation to the sale.

6. Accordingly, all contentions of all parties are kept open and this Appeal is disposed of. There shall be no order as to costs.

M. S. SONAK, J.

ANDREZA PEREIRA  Digitally signed by ANDREZA PEREIRA
Date: 2023.12.15 10:20:59 +05'30'