

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.130/2019

IN

SECOND APPEAL NO.56/2019

SAVIO JACKIE LOBO

... APPLICANT.

Versus

VAISHALI DILIP SHENVI

DESAI

... RESPONDENT

**Mr. Parag Rao, with Mr. Akhil Parrikar, Advocates for
the Applicant.**

**Mr. A.D. Bhobe with Ms. A. Kuvelkar, Advocates for
the Respondent No.1.**

CORAM: M. S. SONAK, J.

DATED: 6th January 2023

P.C.:

1. Despite indulgence shown in the order dated 2/12/2022, the conditions subject to which the interim relief was granted, have not been fulfilled. Today, Mr. Rao, based on instructions from Savio Jackie Lobo (the Applicant) who is present in the Court, states that the Applicant is not in a position to deposit the amount as directed. He points out that the Applicant had applied for bank loan on 9/12/2022 of ₹15,00,000/-. However, the Bank declined to sanction the said loan.

2. Mr. Rao, based on instructions from Mr. Savio Jackie Lobo, who is present in the Court and further Mr. Savio Lobo himself state that the possession of the suit premises will be handed over to the Respondent by 14th January 2023. Accordingly, the learned Counsel propose that the parties, along with their respective Advocates, will go to the site on 14th January 2023 at 10.00 a.m. and complete the formalities of handing over and taking over of possession. The learned Counsel state that a memo in this regard, along with photographs, will be filed in this Appeal.

3. Though the Applicant is handing over possession, such handing over is without prejudice to his rights and contentions in the Second Appeal, which has already been admitted. Therefore, such handing over will abide by the final orders in this Second Appeal.

4. Now that the possession is to be restored to the Decree-Holders, the execution which is already filed, will proceed in respect of other reliefs granted by the impugned Decree.

5. The stay order granted by this Court stands vacated for non-compliance with the conditions to which the same was granted.

6. Civil Application stands disposed of.

M. S. SONAK, J.

SANTOSH
S MHAMAL

Digitally signed by
SANTOSH S MHAMAL
Date: 2023.01.07
15:21:01 +05'30'