

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 11 OF 2021

SANSKRITI CONSTRUCTIONS,
THR. THEIR DIRECTOR AND
AUT. SIGN., RAJESH KURAR ... APPELLANT

Versus

AMEENA @ AMINA ABDULLA
MAKANDAR AND 2 ORS. ... RESPONDENTS

Mr. Ajit R. Kantak, Advocate for the Appellant.

Mr. Krishna M.N. Dessai, Advocate for Respondent Nos. 1
and 2.

CORAM: B.P. DESHPANDE, J.

DATED: 31st AUGUST 2023

ORAL ORDER:

1. Heard learned Counsel Mr. Kantak for the Appellant and
Mr. Krishna Dessai for Respondent Nos. 1 and 2.

2. After hearing the learned Counsel for the parties for some
time, it is informed by the learned Counsel for Respondent Nos. 1
and 2 that the construction is complete and third party rights are
already created over the residential complex, which exists in the
said property.

3. The injunction Application filed by the Appellant/Plaintiff is with regard to the aspect of restraining the Defendants from creating third party interest and/or disposing of such residential units.

4. Learned Counsel for Respondent Nos. 1 and 2 has now pointed out that even the final occupancy certificate is issued and residential units in the said building are already sold out.

5. Learned Counsel for Respondent Nos. 1 and 2 undertakes to inform the Trial Court about the names of the persons in whose favour third party rights are created in the said residential units. He also undertakes to inform such third parties regarding the pendency of the Suit before the Trial Court.

6. Let such information be furnished before the Trial Court within a period of two weeks from today.

7. Since the construction is already complete and third party rights are already created over all the residential units in the said building [as informed by the learned Counsel for Respondent Nos. 1 and 2 on instructions from Respondent Nos. 1 and 2], the

injunction Application filed by the Appellant/Plaintiff becomes infructuous. However, provisions of Section 52 of the Transfer of Property Act as observed by the Trial Court shall apply.

8. With these observations, Appeal From Order No. 11 of 2021 stands disposed of.

9. The learned Trial Court to make an endeavour to decide the matter as expeditiously as possible.

B.P. DESHPANDE, J.

VAIGANKAR
ESHA SAINATH

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VAIGANKAR ESHA SAINATH
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