

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO. 56/2023
IN
SECOND APPEAL NO. 791/2022(F)

BISMARCK C. DSOUZA AND
ANR

... Applicants.

Versus

RAMKRISHNA ANAND RAIKAR AND
ANR

... Respondents.

Mr Ashwin D. Bhobe, with Ms R. Prazeres, Advocates for the
Applicants.

Mr J. Godinho, Advocate for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 4th August 2023

P.C. :

1. The accompanying Second Appeal is admitted. The impugned Decree requires the Appellants to hand over the possession of the flat to the Respondents and to pay mesne profits.
2. Mr Bhobe, on instructions from the Appellant No.1, who is present in the Court, states that no stay will be pressed on handing over the possession of the suit flat to the Respondents. Mr Bhobe, however, submits that the award of mesne profits is incorrect and, in any case, the same is excessive.
3. The Courts have come to the conclusion that there was no justification for the Appellants denying the possession of the suit flat to the Respondents. Based on this premise, the mesne profits had been determined and awarded to the Respondents. If the Appellants

wish to avoid payment of mesne profits, then, the Appellants will have to secure this amount.

4. Accordingly, an interim relief is granted restraining execution of the Decree for mesne profits, subject to the Appellants/Applicants depositing in this Court all arrears up to date.

5. If the amount is not deposited, then, this interim relief to stand vacated without further reference to this Court.

6. Civil application No.56/2023 is disposed of.

M. S. SONAK, J.

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