

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 39 OF 2022

IN

SECOND APPEAL NO. 31 OF 2022

JOSEPH LOBO

... Applicant

Versus

THOMAS FERNANDES AND ANR.

... Respondents

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

Mr. J. Godinho, Advocate for Respondent No.1.

Mr. N. Araujo holding for Mr. T. Vaz, Advocate for Respondent No.2(a).

CORAM: M. S. SONAK, J.

DATED : 21st APRIL 2023

P.C.:

1. The Second Appeal No.31 of 2022 is already admitted. By this Civil Application, the Appellant seeks a stay on the execution of the impugned decree.

2. Mr Godinho has pointed out that in Regular Civil Appeal No.89/2018, the First Appellate Court had directed the parties to maintain the status quo till further orders. This was after considering this Court's order dated 10.01.2017 in Writ Petition No.685 of 2016. Accordingly, Mr Godinho pointed out that this was the position prevailing even before the appeal in which the impugned decree has been made was pending.

3. The object of granting interim relief is maintaining the status quo ante as far as possible. Therefore, if the above position was prevailing even during the pendency of the appeal, now that the appeal is allowed, the present Appellant cannot be permitted to change the above prevalent position.

4. Therefore, this application for interim relief is disposed of by directing both the parties to abide by the order dated 27.07.2018 passed in Regular Civil Appeal No.89/2018.

5. The Civil Application No.39 of 2022 is disposed of in the above terms.

M. S. SONAK, J.

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