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IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.238/2019

IN

SECOND APPEAL NO.105/2019

GOKULDAS SAVLO NAIK

AND 4 ORS.

... APPELLANTS

Versus

JOSEPH JUSTIN

GONSALVES AND 5 ORS.

... RESPONDENTS

Mr. S. D. Padiyar with Mr. P. Shirodkar Advocates for the Appellants.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. S. Karpe, Mr. Sagar Rivankar, Mr. Anand Shirodkar, Ms. S. Vaigankar and Mr. Abhishek Sawant, Advocates for the Respondents.

WITH

CROSS OBJECTIONS NO.4/2022

IN

SECOND APPEAL NO.105/2019

JOSEPH JUSTIN GONSALVES

AND 5 ORS.

... Cross-Objectors

Versus

GOKULDAS SAVLO NAIK

AND 4 ORS.

... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. S. Karpe, Mr. Sagar Rivankar, Mr. Anand Shirodkar, Ms. S. Vaigankar and Mr. Abhishek Sawant, Advocates for the Cross Objectors.

Mr. S. D. Padiyar with Mr. P. Shirodkar Advocates for the Respondents.

CORAM: M. S. SONAK, J.

DATED: 5th January 2023

P.C.:

1. Heard Mr. Padiyar for the appellants and Mr. J. E. Coelho Pereira, learned Senior Advocate who appears along with Mr. S. Karpe for the respondents.
2. The Second Appeal has already been admitted and by this Civil Application the appellants seek a restraint on the respondents from transferring or alienating the suit property based on the impugned decree by which the appellants' Suit for specific performance came to be rejected.
3. Mr. Pereira, learned Senior Advocate, based on instructions, states that presently, the respondents have no intentions of transferring or creating any third party rights in the suit property. He states that if any occasion arises, the respondents will seek leave of this Court.
4. Similarly, Mr. Padiyar, the learned counsel for the appellants, based on instructions, makes a statement that the appellants do not presently propose to undertake any

construction or repair works in the suit property or the house in the suit property. If any such occasion arises, leave will be applied for from this Court.

5. Accordingly, by recording the statements of the learned counsel made based upon instructions received by them from the respective parties, this application is disposed of. Both the parties should abide by their statements and in case occasions arise, they may apply for leave from this Court. Liberty in this regard is retained.

6. Civil Application No.238 of 2019 is disposed of.

M. S. SONAK, J.

SUCHITRA Digitally signed by
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