

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.100 OF 2023

IN

SECOND APPEAL NO.58 OF 2023

COMMUNIDADE OF
LATAMBARXEM, THR. ITS
ATTORNEY, MANOHAR
VASSUDEV GHADI

....APPLICANT

Versus

SUBRAI HIRU NAIK
PARULEKAR AND 4 ORS.

....RESPONDENTS

Mr J. Supekar, Advocate for the Applicant.

Ms A. Fernandes, Advocate for the Respondent Nos.1,2,3(a) to 3(e).

CORAM: M. S. SONAK, J.

DATE : 31st AUGUST 2023

P.C. :

1. Heard Mr Supekar for the applicant and Ms A. Fernandes for respondent nos.1,2,3(a) to 3(e).

2. The appellant is the original defendant in Regular Civil Suit No.68/2012/C instituted in the Court of Civil Judge Junior Division at Bicholim. This suit was dismissed. However, the Appeal Court has allowed the appeal and declared the plaintiffs in the suit as owners of

the suit property. Further, liberty was granted to the original plaintiffs to seek deletion of the appellant's name from the land records.

3. There is no question of staying the declaration granted by the Appeal Court. However, this Court, by its order dated 07.10.2020 had granted interim relief in the following terms in paragraph 3 of the order dated 07.10.2020, which reads as follows:

“3. There shall be an interim suspension of the impugned Judgment and Decree only to the extent of the deletion of the appellant's name from the land records.”

4. The above order has continued since 07.10.2020. Accordingly, the same is confirmed and shall operate until the disposal of the Second Appeal. This means that there shall be a restraint on the original plaintiffs in the suit seeking deletion of the appellant's name from the land records.

5. At the same time, it is clarified that the appellant, based upon his name in the land records will not deal with the suit property or otherwise try to sell, transfer or convey the same.

6. The Civil Application is disposed of.

M. S. SONAK, J.

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HALDANKAR

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