

Suchitra

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CIVIL APPLICATION NO.172/2019**

**IN**

**SECOND APPEAL NO.73/2019**

**ATCHUT KASHINATH  
SIQUERKAR (DEC) THR. LRS. ... APPLICANTS**

***Versus***

**MARIA ALICE ALMEIDA AND 5  
ORS. ... RESPONDENTS**

**Mr. R. G. Ramani, Senior Advocate with Mr. P. Kakodkar,  
*Advocate for the Appellants.***

**CORAM: M. S. SONAK, J.**

**DATED: 19<sup>th</sup> January 2023**

**P.C.:**

- 1.** Heard Mr Ramani, learned Senior Advocate who appears along with Mr Pranav Kakodkar for the applicants.
- 2.** This application seeks a stay on the execution of the decree dated 30.05.2017 made by the Senior Civil Judge at Quepem in Regular Civil Suit No.54/2006.

3. The appellant had appealed the above decree and the First Appellate Court has dismissed the appeal. There was no interim relief favouring the appellant during the pendency of the First Appeal before the First Appellate Court.

4. Though the Second Appeal is admitted, there are concurrent findings of fact about the original plaintiffs being in possession of the suit property. The impugned decree *inter alia* restrains interference with this possession. There is, no doubt, even a direction to remove the obstructions/plantation. However, that by itself, is not sufficient to stay the execution of the decree at this stage.

5. Considering the concurrent decrees, no *prima facie* case can be said to be made out to establish applicants' possession on the suit property.

6. For all these reasons, the Civil Application is dismissed. There shall be no order for costs.

**M. S. SONAK, J.**

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