

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 129/2019

KRISHNA DOTTU GAUNS DESSAI
(DEC) THR. LRS.,

... Petitioners.

Versus

PEDRO FERNANDES AND 5ORS.,

... Respondents.

Mr Shailesh Redkar with Mr I. Santimano, Advocates for the
Petitioners.

Mr A.D. Bhobe, Advocate for Respondents No.1, 2(a) to 2(m).

CORAM : M. S. SONAK, J.

DATE : 27th July 2023

P.C. :

1. Heard Mr Redkar for the Petitioners and Mr A.D. Bhobe for Respondent No.1 and as a power of attorney holder for Respondent No.2(a) to 2(m).
2. The challenge in this petition is to the impugned order, by which the learned Executing Court dismissed the Petitioners' execution application seeking execution of the Judgment and Decree dated 20/7/2000 in Special Civil Suit No. 6/1994/A.
3. Second Appeal No.39/20022 is admitted today and even interim relief is granted restraining cancellation of sale deeds. Accordingly, execution, in any case, cannot proceed further until Second Appeal No.39/2022 is disposed of.
4. Order made in Civil Application No. 72/2022 in Second Appeal No.39/2022 is transcribed below for the convenience of reference :

“Pending the Second Appeal, the impugned sale deeds should not be cancelled. However, even the Appellants and Purchasers/Respondents should maintain status quo in respect of the properties which are subject matter of the impugned sale deeds.”

5. Accordingly, there is no point in pending Writ Petition No.129/2019. Writ Petition No. 129/2019 is, therefore, disposed of by keeping the Petitioners’ all contentions and further by granting the Petitioners liberty to apply for fresh execution should Second Appeal No.39/2022 be dismissed.

6. Writ Petition No. 129/2019 is disposed of in the above terms with clarifications and liberty as above.

M. S. SONAK, J.

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