

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL UNDER ARBITRATION ACT NO.4 OF 2019
AND
CIVIL APPLICATION NO.56 OF 2019

N. M. BASHYAM

....APPELLANT

Versus

CARLOS SANTANA DE
BRAGANZA AND ANR.

....RESPONDENTS

Mr Anthony Joe D'Silva, Advocate for the Appellant.
Mr J.A. Lobo, Advocate for the Respondents.

CORAM: M. S. SONAK, J.

DATE : 23rd MARCH 2023

P.C. :

1. The learned Counsel for the parties based on instructions submit as follows:

(a) The appellant will execute the Sale Deed in terms of Sale Deed of the suit shop in favour of the respondents (claimants) with proportionate undivided right to the land of Plot No.1 in Chalta No.6 of PT Sheet no.144. The Counsel state that this will be done within three weeks from today;

(b) The appellant will demolish 19 sq. mtrs. structure from the South-Eastern setback area of the said plot and even remove the debris. The appellant will also not block this setback area or the access to the their electricity meter, air conditioning unit, etc. as directed in the impugned award. This will be done within two months from today;

(c) The respondents will waive the costs of ₹65,000/- awarded by the sole Arbitrator favouring the respondents (claimants).

2. Mr D'Silva, based on instructions from the appellant, who is present in the Court, states that the appellant bonafide believes that he has no sufficient authority to execute the Sale Deed as regards the undivided right to the land. However, Mr D'Silva, on instructions from the appellant, states that the appellant will honour the arbitral award and execute the Sale Deed as directed by the arbitral award.

3. The statements made by the learned Counsel based on instructions from the parties whom they represent are accepted as undertakings given to this Court. Both parties will have to act accordingly and comply with the statements.

4. The appeal is disposed of in the above terms without any order for costs. Civil Application also stands disposed of.

M. S. SONAK, J.