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IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.49 OF 2023

IN

FIRST APPEAL NO.30 OF 2023

DESPAMONT THR.
PARTNERS AND 4 ORS.

... Applicants.

Versus

OLIVIO AGNELO DA
CRUZ PINTO AND 16 ORS.

... Respondents.

Mr S.D. Padiyar with Mr Abhay Nachinolkar, Mr Prayash Shirodkar and Ms Akshata Rane, Advocates for the Applicants.

Mr Ashwin Ramani, Advocate for Respondent Nos.1 to 4 and 7 to 17.

Mr A.F. Diniz, Senior Advocate with Mr Ryan Menezes and Mr Nigel Fernandes, Advocates for Respondent Nos.5, 6(i) and 6(ii).

CORAM: VALMIKI MENEZES, J.

DATED: 26th July, 2024

P.C:

1. Heard Mr Ashwin Ramani for Respondent Nos.1 to 4 and 7 to 17 and Mr Ryan Menezes for Respondent Nos.5, 6(i) and 6(ii).

2. During the course of the trial of Special Civil Suit No.18/2013/A, the order dated 10.03.2017 came to be passed disposing of an application for temporary injunction filed by the original Plaintiff/Applicant herein. The operative part of the said order reads as under:

“The application for injunction dismissed, however on the condition that defendants shall furnish the particulars of the prospective buyers of the residential units that they are entitled to being owners, in advance to the court and it must be made clear to the prospective buyers that their purchases are subject to the result of the suit by making a ‘specific recital’ in the agreement of sale or sale deed, as the case may be.”

3. From a plain reading of the order, it appears that the Trial Court has dismissed the Plaintiffs’ application for temporary injunction, which sought a restraint order against the Defendants/Respondents herein from constructing on the suit property, which is described to be (“Lote A”) claimed to correspond to Chalta No. 3A of P.T. Sheet No.81 of City Survey Panaji as described in para 7 of the plaint.

4. The order further appears to put the original Defendants/Respondents herein to terms, by directing them to furnish to the Court the particulars of prospective buyers of residential units in the development to be undertaken by them on the suit property, with a further direction that the prospective buyers of such residential units shall be informed that the purchase shall be subject to the result of the suit, by incorporating specific recitals in their agreements or sale deeds.

5. It is also a matter of record that until the disposal of Special Civil Suit No.18/2013/A by the impugned decree dated 07.01.2023, no such details of transfers to third parties have been furnished by the Defendants to the Court, nor have the Defendants at any point of time placed before the Trial Court any agreements or deeds of sale which may have been executed during that period, and in terms of the directions of the Trial Court in its

order dated 10.03.2017.

6. In that view of the matter, any third party rights or transactions that may have been entered into by the Defendants with such parties shall be subject to the outcome of this appeal.

7. The application stands disposed of with the above observations.

VALMIKI MENEZES, J.