

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.88 OF 2019

IN

SECOND APPEAL NO.37 OF 2019

PEDRO FERNANDES.,

... APPLICANT

Versus

CAETANO CAMILO BARRETO AND 4 ORS.,

... RESPONDENTS

Mr A. D. Bhobe and Ms A. Fernandes, Advocates for the Applicant.

Mr E. Dias, Advocate for Respondent Nos. 1 and 2.

CORAM:- M. S. SONAK, J.

DATED :- 15th March, 2024

P.C.:

Heard the learned counsel for the parties,

2. By Order dated 15.09.2023, the Applicant was directed to demolish the wall in the encroached portion. Such encroachment was confirmed even by the Court Commissioner.

3. The wall in the encroached portion has already been demolished. The impugned decree inter alia directs the demolition of the compound wall and also part of the house in which the Applicant resides.

4. Now that the Appeal has been admitted and even the

encroached portion is removed, by way of interim relief, further execution of the decree is stayed. However, even the Applicant will have to maintain the status quo and not undertake any further construction.

5. This order is without prejudice to the contentions raised by the decree holder in Misc. Civil Application No.740 of 2024 (F). Once this application comes up for hearing, the same will be considered on its own merits and in accordance with law.

6. The Civil Application No.88 of 2019 is accordingly disposed of.

M. S. SONAK, J.

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