

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO.38 OF 2022
IN
FIRST APPEAL NO.45 OF 2022

ROY BRAGANZA ...Applicant.

Versus

BERNADETTE FERNANDES AND 4 ORS ...Respondents

Mr K. Padgaonkar, Advocate for the Applicant.

Ms S. Shaikh, Advocates for Respondent Nos. 1 and 2.

CORAM: BHARAT P. DESHPANDE, J

DATED: 18th January, 2024

P.C.:

1. Learned Counsel for the applicant hands in affidavit of service along with the newspaper wherein the notice against respondent Nos. 4 and 5 was published.
2. By way of such publication, respondent Nos.4 and 5 are deemed to have been served. Accordingly, the service on all respondents is complete.
3. On 25/08/2022, this Court granted ad-interim relief as mentioned in paragraph No.3 which reads thus:

"1. Heard Mr. Sudin Usgaonkar, learned Senior Counsel along with Mr. K. Padgaonkar for the applicant.

- 2. The appeal is admitted. The impugned decree orders the eviction of the appellant from the suit property and the house situated therein.*
 - 3. Accordingly, by way of an ad interim relief, the execution of the impugned decree is hereby stayed subject to the condition that the appellant shall maintain status quo and not transfer or otherwise part with the possession of the suit property and the house therein or create any third party right.*
 - 4. Liberty is granted to the respondents to apply for modification of this order or urge that further conditions about payment, etc. should be imposed upon the appellant at the stage of considering the confirmation of an ad interim relief.*
 - 5. Place the civil application to consider the issue of confirmation of an ad interim relief on 29.09.2022.*
 - 6. Mr. Usgaonkar, learned Senior Advocate, on instructions, states that the house in the suit property is not being used and further the same will not be used for any commercial purposes."*
4. Since the service is complete and the appeal is already admitted, the interim relief granted on 25/08/2022 shall continue till the disposal of the appeal.
 5. The Civil Application is accordingly disposed of.
 6. The parties shall act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J

MEENA
VISHAL BHOIR
Digitally signed by MEENA
VISHAL BHOIR
Date: 2024.01.19 16:55:56
+05'30'