

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

**CIVIL APPLICATION NO.20 OF 2023
WITH
SECOND APPEAL NO.15 OF 2023**

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IN
SECOND APPEAL NO.15 OF 2023**

FATIMA SHAIKH ... APPLICANT
Versus
MARIA SOCORRINE FERNADNES AND ANR ... RESPONDENTS

**WITH
SECOND APPEAL NO.15 OF 2023**
FATIMA SHAIKH ... APPELLANT
Versus
MARIA SOCORRINE FERNANDES AND ANR ... RESPONDENTS

Mr I. Agha with Ms V. Fernandes, Advocate for the Applicant.
Mr Kewal T. Sawant, Advocate for the Respondent No.1.
Mr. Anthony D'Silva, Advocate with Ms. Kimberley Gracias,
Advocate for the Respondent no.2.

CORAM:- M. S. SONAK, J.

DATED :- 9th February, 2024

P.C.

By Order dated 23.02.2023, this appeal was admitted and even ad-interim relief was granted with the condition that even the Appellants will have to maintain the status quo in respect of the suit property.

2. The impugned Decree directs the demolition of the Appellant's house. Now that the appeal is admitted, such demolition cannot be

allowed pending the final resolution of this appeal. This is a case where the Trial Court had only partly allowed the suit by restraining the Appellant from interfering with the suit property beyond the suit plot on which the house was constructed. The Trial Court had not granted any Decree for demolition. The Appellate Court has now ordered the demolition. Accordingly, it is only proper that the ad-interim relief granted on 23.02.2023 is confirmed by reiterating the condition that even the Appellant will have to maintain status quo in respect of the suit house, suit plot and the suit property.

3. The application for interim relief is disposed of in the above terms without any order for cost.

M. S. SONAK, J.

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