

**IN THE HIGH COURT OF BOMBAY AT GOA**

**LD-VC-OCW-105 -2020**  
**with**  
**LD-VC- OCW- 151-2020**

**Maria Santana Pinto & others. .... Applicants**

**V e r s u s**

**Jose Luis Carlos Almeida & others ..... Respondents**

Mr. S. D. Lotlikar, Senior Advocate with Adv. Shreya Arur for the Applicants.

Mr. A. D. Bhohe, Advocate for the Respondents.

**CORAM: DAMA SESHADRI NAIDU, J.**

**DATE: 16th October, 2020.**

**ORDER:**

The applicants filed a suit in 2006 for a declaration of title. The Trial Court decreed it in January 2009. Aggrieved, the defendants filed First Appeal. The Appellate Court allowed that appeal in February 2011, i.e. the suit to be dismissed. This time, the applicants/plaintiffs filed a Second Appeal. It was in 2011. This Court after framing the substantial questions of law admitted the Second Appeal on 12/10/2011.

2. After these many years, now the appellant has come up with a Misc. Civil Application seeking an interim injunction. It is on the premise that taking advantage of the pandemic and the delayed disposal of the Second Appeal, now the respondents/defendants are trying to change the physical

features of the property. According to the learned Senior Counsel the respondents are also trying to dig a well and accordingly dis-mantel the compound wall. According to him it will diminish the value of the property to the applicant's prejudice.

3. On the other hand, the learned counsel for the respondents asserts that the applicants never sought any injunctive relief either before the Trial Court or before the Appellate Court. According to him, as the applicants have lost the suit, he has no claim to injunction at this stage.

4. Under these circumstances, I hold that whatever the developments that may take place in the disputed property, they are lis pendens developments. And those developments are subject to the outcome of this Second Appeal. Neither party in the end can take advantage or prejudice the interest of the other party, under premise that there arose certain developments pending the litigation, which ever is the party that out....., pending the litigation will have take consequences based on the outcome of the Second Appeal.

5. With these observations I close the Misc. Civil Application and post the matter for final hearing.

**DAMA SESHADRI NAIDU, J.**

**AP/-**