

IN THE HIGH COURT OF BOMBAY AT GOA

**LD-VC-OCW-45-2020**

**IN**

**SECOND APPEAL 109 OF 2019**

Guilherme Fernandes  
aka Gilu Fernandes

...Appellant

v/s.

Mariano Francisco Xavier Luis and others ...Respondents

Shri Shri J.J. Mulgaonkar, Advocate for the applicant.

**Coram:- NUTAN D. SARDESSAI, J.**

**Date :- 30<sup>th</sup> June,2020**

**P.C.:**

Heard Shri J.J. Mulgaonkar, learned Advocate for the applicant.

2. Shri J.J. Mulgaonkar, learned Advocate submits that the Second Appeal was admitted pursuant to the order of this Court dated 12/06/2020 on the substantial questions of law but at that stage he had not pressed for any interim relief as there was no act of interference. However, there was an act of interference with the property in his

possession thereafter and for which he was constrained to file a police complaint for action against the acts of interference by the respondents. In the circumstances, the impugned judgment and order was required to be stayed as otherwise he would suffer irreparable loss.

3. Taking into account the submissions made in the application and that the appeal has been admitted by this Court, the applicant is required to be protected against the acts of interference by the respondents. In the circumstances, therefore, interim relief in terms of prayer clause 'a' is granted which reads as thus :

“a. that pending the hearing and until the final disposal of this Second Appeal, the operation on Judgment, Order and Decree dated 30/03/2019 in Regular Civil Appeal No. 15/2017 passed by the Court of the Learned Ad Hoc District Judge 1, FTC -I at Margao, South Goa and the Judgment, Order and Decree dated 17/01/2017 of the Learned Civil Judge Junior Division at Margao in Regular Civil Suit No.323/2012/F be stayed.”

4. Issue notice to the respondents, returnable on 21/07/2020.
5. The parties to act on the basis of the authenticated copy of this order.

**NUTAN D. SARDESSAI,J.**

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