Jose

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.45 OF 2025

M/S. COSTA PINTO AND ASSOCIATES,
REP. BY ITS PARTNERS AND 2 ORS ... APPLICANT

Versus

CRISTIANO FRANCISCO SANTANO
(DECEASED THR. LRS), THR. HIS
ATTORNEY NIGEL D SOUZA AND 2 ORS ... RESPONDENTS

Ms. Riya Amonkar, Advocate for the Applicant.

CORAM:- S. G. CHAPALGAONKAR, J.

DATED :- 27th November, 2026

P.C.:

1. By this application, Applicant seeks stay to operation and execution of impugned Judgment and Decree dated 07.06.2024 passed by District Judge-3, South Goa, Margao in Regular Civil Appeal No. 91/2019.

2. Respondents Plaintiffs instituted Regular Civil Suit No. 445/2010 seeking decree of specific performance of contract based on agreement for sale dated 09.03.1998 in respect of studio apartment bearing No. S-12A/4 in project namely Royal Palms. By Judgment and Decree dated 21.07.2018, Trial Court decreed the suit directing specific performance of agreement for sale.

Aggrieved Appellants filed Regular Civil Appeal No. 91/2019 before District Judge, FTC-1, South Goa. Learned District Judge dismissed appeal concurring with Judgment and Decree passed by Trial Court.

3. Present Second Appeal is filed raising challenge to aforesaid Judgment and Decree. This Court vide order dated 11.07.2025, admitted appeal by framing three substantial questions of law.

4. Learned Counsel appearing for Appellant would submit that unless operation and implementation of Judgment and Decree under appeal is stayed, Applicant would suffer prejudice and irreparable injury. It is submitted that Applicant has good grounds in appeal. This Court, on prima facie consideration, finds that substantial questions of law are involved in appeal which require adjudication on merit. Apparently, if Decree under appeal is executed, Appellant would be placed in irreversible position. In that view of matter, this Court finds that case is made out to grant interim relief as prayed.

5. Hence, following order:-

a. Pending hearing and final disposal of Second Appeal, there shall be ad interim relief in terms of prayer clause (a).

b. Needless to state here that Applicant shall not create third party interest in suit property till disposal of appeal.

6. Application stands disposed of.

S. G. CHAPALGAONKAR, J.

Signed by: JOSE FRANCISCO DSOUZA
Designation: Personal Assistant
Date: 27/11/2026 18:22:50