



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.3095 OF 2025 (F)

WITH

FIRST APPEAL NO.107 OF 2023

MISC.CIVIL APPLICATION NO.3095 OF 2025 (F)

IN

FIRST APPEAL NO.107 OF 2023

ISMAIL D KHALIF

... APPLICANT

Versus

JAISON DIAS AND 25 ORS

... RESPONDENT

WITH

FIRST APPEAL NO.107 OF 2023

JOHN VICTOR

... APPELLANT

Versus

JAISON DIAS AND 25 ORS

... RESPONDENTS

Mr Ravi Gawas, Advocate with Abdul Walikar, Advocate for the Applicant.

Mr Aurobindo Gomes Pereira, Advocate for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 27th November, 2025

P.C.

1. Mr. Gomes Pereira, learned Counsel waives service for Respondent No.1, who is the contesting Respondent and the Plaintiff in Civil Suit No.51/2007 and decree holder in Execution Proceedings No.73/2024 before the District Court, DJ-I, Panaji.

2. On going through the Miscellaneous Civil Application which is an application seeking leave to appeal against the judgment and decree

dated 30.06.2022 passed by the Civil Court in the aforementioned suit, it is noticed that the memo of appeal to challenge the decree stating grounds has not been filed along with this application. Instead, a Civil Application has been filed, i.e. CA/3094/2025(Filing) in First Appeal No.107 of 2023 which is filed by original defendant No.14 in the suit. Such a Civil Application would obviously not be maintainable in the absence of any independent challenge being thrown to the impugned Decree by the present application.

At this stage, learned Advocate for the Applicant submits that he would present First Appeal tomorrow to the Registry of this Court. He submits that a demolition squad is seeking to demolish the house in Survey No.82/7, which, according to his Deed of Sale dated 25.04.2018 is admeasuring 275sq.mtrs. Reliance has been placed on the Survey plan at page 31 of this Petition and on the survey record in Form I and XIV at page 38 of this Petition. The Respondent No.1 disputes this position and seeks some time to file affidavit in reply. The affidavit in reply to be filed by tomorrow, i.e. 28.11.2025.

3. Subject to the maintainability of this application, since there is no appeal presented against the decree, as a measure of protecting the applicant's structure in the land in Survey No.82/7 of Village Calangute, as shown in his survey plan at page 31 of the Petition, the Executing Court or the demolition squad of the Deputy Collector, Bardez, shall not take any coercive action against such structure within the aforementioned property. The demolition squad may, however,

proceed with the demolition in execution of the decree dated 30.06.2022 of the Civil Court in Execution Proceedings No.73/2024.

This order shall operate until tomorrow, i.e. 28.11.2025. List the matter on 28.11.2025 at 02:30PM.

Parties to act on an authenticated copy of this order.

VALMIKI MENEZES, J.