

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

CIVIL APPLICATION NO. 81 OF 2015

IN

FIRST APPEAL NO. 44 OF 2015

SHRI ANANT VINAYAK LOTLIKAR.

... Applicant

Versus

STATE OF GOA, THROUGH ITS CHIEF  
SECRETARY AND 3 ORS.,

... Respondents

Shri P. Prabhu, Advocate holding for Shri S.S. Kakodkar, Advocate  
for the Applicant.

Shri M. Pereira, Advocate for the Respondent No. 2.

Shri A. Halarnkar, Advocate for the Respondent No. 3.

Shri Kaif Noorani, Advocate for the Respondent No. 4.

Coram:- C. V. BHADANG, J.

Date:- 17th July, 2015

P.C:

Heard the learned Counsel for the parties.

2. It is not in dispute that there was an interim order operating in the trial Court, before the rejection of the plaint. The appeal is already admitted.

3. By this application, similar interim relief as before the trial Court is prayed. This Court by an order dated 15.06.2015 had noticed the submission on behalf of the respondent that the construction is already complete and the Occupancy Certificate is to be issued. This Court had also noticed that the continuation of the interim relief, which was earlier granted by order dated 20.05.2015, would result in

depriving the respondent no. 4, to occupy the construction, although, sanctions have been obtained from the Statutory Authorities. This Court noted the statement on behalf of the applicant that the applicant would not be in a position to deposit any amount in case, this Court so directs. In such circumstances, this Court had refused extension of ad interim relief, while observing that any action taken would be subject to result of the interim application filed by the applicant and the respondents shall not claim any equity with that regard.

4. It is now submitted that the same order can continue during the pendency of the first appeal. In such circumstances, the civil application is disposed of, in terms of the order dated 15.06.2015. Thus, any further action taken by any of the respondents in connection with the disputed construction would be subject to result of the appeal filed by the applicant and the respondents shall not claim any equity with that regard.

C. V. BHADANG, J.

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