

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 114 OF 2015

IN

SECOND APPEAL NO. 44 OF 2015

SHRI SURYA RAMCHANDRA NAIK AND
ANR.,

... Applicants

Versus

SMT. SUXILA TUKARAM NAIQUE AND
ANR.,

... Respondents

Mr. L. Raghunandan, Advocate for the applicants.
Mr. A. N. Ramani, Advocate for the respondents.

Coram:- C. V. BHADANG, J.

Date:- 23rd October, 2015

P.C.

By the impugned judgment, the Appellate Court has granted permanent injunction, restraining the appellants from interfering in the suit property, except the suit house, which is admittedly in possession of the appellants. Thus, there is no issue about the fact that the appellants are in possession of the suit house and the impugned judgment and decree also does not relate to any injunction being granted in so far as the suit house is concerned. The issue is only about the rest of the area, which has been found to be in possession of the respondents, on the basis of which, the injunction is granted to the respondents.

2. On hearing the learned Counsel for the parties, I do not find that any case for grant of interim relief is made out, in as much as at present, there is a finding by the First Appellate Court, which is the

last fact finding Court, of the appellants not being in possession of the property, in respect of which, the prohibitory injunction is granted. Merely because the Second Appeal is admitted and the findings are sub-judice, it would not be proper to grant such relief, which may tantamount to granting final relief at the interim stage. In such circumstances, the Civil Application is hereby dismissed.

C. V. BHADANG, J.

SMA