

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 17 OF 2015

MR. J. GEORGE.

... Appellant

Versus

ANTONIO MARIA RODRIGUES.

... Respondent

Shri V.A. Lawande, Advocate for the Appellant.

Shri Marvin D'souza, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 23rd September, 2015

P.C.:

Heard Shri V.A. Lawande, the learned Counsel for the appellant and Shri Marvin D'Souza, the learned Counsel for the respondent.

2. This appeal is by the plaintiff challenging the order of refusal of injunction. The injunction sought was to the effect that the respondent/defendant should not create any third party interest in the suit property. It is submitted by the learned Counsel for the respondent that the subject matter of dispute has already been sold on 10/06/2015. The learned Counsel has furnished the copy of the Sale Deed to the learned Counsel for the appellant.

3. In such circumstances, Shri V.A. Lawande, the learned Counsel for the appellant, on instructions, seeks permission to withdraw the appeal as it has become infructuous.

4. The appeal is accordingly disposed of as withdrawn. It is needless to mention that it will be open to the appellant to take appropriate steps and seek appropriate relief against the purchaser as may be permissible in law and if so advised. If such application is made before the Trial Court, the same shall be decided, in accordance with law on its own merits.

5. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

NH