

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 39 OF 2014

COMMUNIDADE OF CORTALIM THR. ITS
DULY ATTORNEY MR. JOHN PHILIP
PEREIRA

... Appellant

Versus

CONCEICAO FERNANDES AND 3 ORS.,

... Respondents

Mr. Carlos Alvares Ferreira, Advocate for the appellant.
Mr. Almeida Coutinho Cleofato Garrett, Advocate for the respondent
no.1.

Coram:- M. S. SANKLECHA, J.

Date:- 29th April, 2015

P.C.

This appeal is directed against the order dated 07/05/2014, by which, an application for temporary injunction filed by the respondent no.1 was allowed.

2. The respondent nos. 2 and 3 had issued a notice to the respondent no.1, inter alia, seeking to demolish the construction allegedly carried out by the respondent no.1. This resulted in the respondent no.1 filing the suit, seeking permanent injunction restraining the respondent nos.2 and 3 from acting in furtherance of the notice. The interim injunction application taken out by the respondent no.1, in the pending suit, was allowed. This was on the basis that the respondent no.1 is using the subject premises as a garage. As the impugned order merely seeks to maintain status-quo as on the date of filing of the suit, leaving all contentions open, to be urged at the final hearing, I am not inclined to interfere with the

impugned order. However, Mr. Coutinho, the learned Counsel for the respondent no.1, on instructions, states that the subject premises would be continued to be used as garage, on the basis of which, the injunction was obtained. The statement is accepted.

3. With the above observations, the appeal stands disposed of.
4. All the contentions of the parties are kept open.

M. S. SANKLECHA, J.

SMA