

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 467 OF 2015

SHRI. SHANKAR SUTAR AND ANR., ... Petitioners
Versus
MR. VIRENDRA SHIRODKAR AND ANR., ... Respondents

Shri Pravin N. Faldessai, Advocate for the Petitioners.

Coram:- C. V. BHADANG, J.

Date:- 4th August, 2016

P.C.:

Not on Board. Taken on Board as the matter is restored today.

2. The learned Counsel for the petitioners states that the learned Trial Court had rejected the application for temporary injunction filed by the respondents/plaintiffs which order has been set aside by the Appellate Court in the following terms:

"The Miscellaneous Civil Appeal is allowed with cost.

The impugned order dated 03/07/2013 passed by the learned Trial Court is quashed and set aside."

It is pointed out that the Appellate Court had simply quashed and set aside the order dated 3/07/2013 passed by the Trial Court and there is no further order whether the application for temporary injunction stands granted or not. That apart, the learned Counsel points out that since after the passing of the impugned order by the

Appellate Court the suit filed by the respondents is dismissed in default on 25/07/2016 and, therefore, the petition would be rendered infructuous. The learned Counsel, therefore, on instructions, seeks permission to withdraw the Writ Petition with liberty to challenge the impugned order, in the event the suit is restored to file.

3. For the reasons stated above, the Writ Petition is disposed off as withdrawn with liberty as prayed for.

C. V. BHADANG, J.

NH