

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 42 OF 2016

LAXMAN GOVIND GAWAS.

... Appellant

Versus

MRS. MARIA GEORGINA SOUZA E COSTA
AND 2 ORS.

... Respondents

Mr. Ashwin D. Bhobe, Advocate for the appellant.

Mr. Pankaj P. Pai Vernekar, Advocate for respondents.

Coram:- C. V. BHADANG, J.

Date:- 18th November, 2016

P.C.

Heard Shri Bhobe, the learned Counsel for the appellant and Shri
Pai Vernekar, the learned Counsel respondents.

2. By the impugned order, the application filed by the appellant for temporary injunction has been partly allowed and the respondents/defendants are restrained from doing any construction in the open space towards the south-east portion of the suit property from point A to A1, as shown in Exh.D-5, until the disposal of the suit.

3. The learned Counsel for the respondents, on instructions, states that there is no construction made in the south-east portion from point A to A1, as shown in Exh.D-5. The learned Counsel also states that it is not shown by the appellant that there is any breach of the

order passed by the learned Trial Court.

4. In any event, the application of the appellant having been partly allowed, I do not find that any case for interference is made out. Thus, subject to the statement made on behalf of the respondents that the construction is complete and no further construction will be carried out (which statement is accepted), no interference is called for with the impugned order. The appeal is, accordingly, dismissed.

5. The learned Counsel for the appellant states that the appellant has filed an application for breach of injunction.

6. Needless to mention that the Trial Court shall decide the same on its own merits and in accordance with law.

C. V. BHADANG, J.

SMA