

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 744 OF 2016

SMT. SARITA BHASKAR NAIK

... Petitioner

Versus

SMT. SUKHADA VINAYAK NAIK AND 2
ORS.,

... Respondents

Adv. Abhay Nachinolkar for the Petitioner.

Adv. Jagannath Jayant Mulgaonkar for Respondent nos.1, 2 & 3

Coram:- C. V. BHADANG, J.

Date:- 25th August, 2016

P.C.:

The petitioner is the original plaintiff who filed a suit against the respondents alleging that the respondents have undertaken construction without obtaining the sanction of the competent authority and without maintaining the statutory set backs. The Trial Court had granted temporary injunction which has been set aside by the Appellate Court. The parties do not dispute that the construction of the respondents on the ground floor is complete. The learned counsel for the petitioner states that at this stage the respondents have no intention of carrying out any construction on the first floor. In such circumstances, the learned counsel for the petitioner states that liberty may be reserved to the petitioner to approach the civil Court by way of a fresh application in the event the respondents attempt to effect any construction on the first floor. Subject to this, the learned counsel for the petitioner seeks permission to withdraw the writ

petition.

2. On hearing the learned counsel for the parties, the petition is disposed of as withdrawn with liberty as prayed for. It is made clear that if such an application is filed by the petitioner, the trial Court shall decide the same on its own merits, without being influenced by the observations of the District Court. In the circumstances there shall be no order as to costs.

C. V. BHADANG, J.

ap/-