

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.174 OF 2017**

Shri Sanvlo Shambhu Naik,
80 years of age,
Son of late Shambhu Naik,
Resident of H.No.234,
Baag, Sanvordem,
Sanguem-Goa. ... Petitioner

Versus

1. Shri Vishwas Sadassiva Naik,
Major of age,
Resident of Gonchem Mola,
Sanvordem, Sanguem Goa
2. Smt. Vishranti Viswas Naik,
Major of age,
Resident of Goenchem Mola,
Sanvordem, Sanguem Goa ... Respondents

Mr. Nigel Da Costa Frias and Ms. L. Sawant, Advocates for the petitioner.

Mr. Vilas P. Thali and Ms. N. Godinho, Advocates for the respondent nos.1 and 2.

CORAM : C. V. BHADANG, J.

DATE : 5th December, 2017

ORAL JUDGMENT :

The petitioner has today filed an undertaking, which is taken on record and marked 'X' for identification.

2. The petitioner, by virtue of said undertaking, has

undertaken not to interfere and not to park any vehicles in the suit property bearing Survey No.35/1 of village Sanvordem and has also undertaken not to cause any other persons acting on his behalf to do so. The petitioner has further undertaken not to use the suit property bearing Survey No.35/1 of village Sanvordem as vehicular access nor cause any other persons acting on his behalf to do so. The undertaking is accepted. In view of the said undertaking, the respondents/ decree holders have no objection for setting aside the impugned order. In such circumstances, the petition is disposed of by consent of the parties as under :

- i) The petition is allowed.
- ii) The impugned order is hereby set aside. This will be subject to the undertaking Exh.X, as submitted by the petitioner.
- iii) The petitioner shall produce a copy of the undertaking before the Executing Court and shall abide by the said undertaking.
- iv) Needless to mention that if there is any obstruction or non-compliance with the decree in favour of the respondents by a third party, it will be open to the respondents to take appropriate steps as may be permissible in law before the Executing Court.
- v) In the circumstances, there shall be no order as

to costs.

SMA

C. V. BHADANG, J.