

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 234 OF 2015

MRS. VASUNDHARA PRABHAKAR NAIK
(EXPIRED) THROUGH HER LEGAL
REPRESENTATIVE MR. ANIL PRABHAKAR
NAIK.

... Petitioner

Versus

SMT. LOURDIN D'SILVA AND 8 ORS.,

... Respondents

Mr. R. Rivankar, Advocate for the petitioner.

Mr. Joaquim Godinho, Advocate for respondent no.1.

Coram:- M. S. SONAK, J.

Date:- 10th April, 2017

P.C.

Heard Mr. Rivankar, for the petitioner and Mr. Godinho, for respondent no.1.

2. In this case, both, the learned Trial Judge as well as the Appeal Judge, have concurrently recorded that the respondents i.e. defendants in the suit, have stated that they have no intention to carry on any new construction in the suit property. In the light of such statements, which have been recorded by both, the learned Trial Judge as well as the Appeal Judge, both the Courts are quite justified in noting that the apprehension expressed by the petitioner in his application, seeking interim relief, cannot be said to be real. It is on this ground, the interim relief restraining the respondents from carrying on any new construction in the suit property, has been denied.

3. Besides, it appears that certain substantive proceedings are

already pending between the parties.

4. For the aforesaid reasons, there is no necessity to entertain the present petition. The petition is, accordingly, dismissed. There shall be no order as to costs.

M. S. SONAK, J.

SMA