

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NO.86 OF 2017
WITH
CIVIL APPLICATION NO. 159 OF 2017

Trimurti Gorkshanath Math Pathshala	...Appellant
<i>Versus</i>	
Santosh Shaba Gaonkar & Ors	...Respondents

Mr SD Lotlikar, Senior Advocate, with Ms M Furtado for the
appellant
Mr Sudin Usgaonkar, Senior Advocate, with Ms V Palyekar, for
respondent No 1

CORAM: G.S. PATEL,J
DATED: 28th September 2017

PC:-

1. On instructions from the original Plaintiff Santosh Shaba Gaonkar, Mr Usgaonkar makes a statement that the name of Subhash B Satarkar, the Appellant in the Second Appeal, can be deleted from the Plaint and the Decrees of the Trial Court and the First Appellate Court. The Appellant Satarkar was named in the cause title in the original suit as the person “through” whom Defendant No.6, Trimurti Gorakshnath Math Pathshala was sued. The Trial Court decreed the suit against Defendant No.1, an individual, Defendant No.5, another individual, and directed them to demolish the construction which is in occupation of “Trimurti Gorakshnath Math Pathshala”. This Decree will have to be read as

directed against Defendants No.1, 5 and also against Defendant No.6, if permissible in law, but without involving Subhash Satarkar, especially since it has been found that Satarkar has nothing to do with the Math.

2. In view of this statement, Mr. Lotlikar seeks leave to withdraw the appeal.

3. This being the only point canvassed, the appeal is accordingly dismissed as withdrawn, with no order as to costs.

4. In view of this, the civil application does not survive and disposed of accordingly.

G. S. PATEL, J