

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 697 OF 2017

MRS. KASHIBAI SITARAM KAUNTHANKAR,
REP. HEREIN BY HER ATT., MR.
NAVNATH M. KANDOLKAR AND 2 ORS., ... Petitioners

Versus

ENG. OSWALD RIBEIRO AND 3 ORS., ... Respondents

Mr. Rohit Bras De Sa with Ms. Ankita Nagvenkar, Advocates
for the Petitioners.

Coram:- C. V. BHADANG, J.

Date:- 26th September 2017

ORAL ORDER:

By this petition, the petitioners are challenging the order dated 10.12.2015, passed by the learned Senior Civil Judge at Mapusa in Regular Civil Suit No. 240/2014/A, thereby rejecting the application for temporary injunction. The said order has been confirmed in Appeal vide judgment and order dated 20.10.2016, passed by the learned Ad-hoc District Judge at Mapusa in Miscellaneous Civil Appeal No. 02/2016.

2. I have heard Shri De Sa, the learned Counsel for the petitioners. Perused record.

3. At the outset, it is necessary to note that both the Courts below have concurrently found that the petitioners are in

possession of the western portion of the land, while the respondents are in possession of the eastern portion of the land. It has not been shown by the petitioners that they are also in possession of the eastern portion of the land, where the subject construction is being undertaken. This is the reason why both the Courts below have refused to grant temporary injunction.

4. A perusal of the record does not show that the findings so recorded by the Courts below suffer from any infirmity, so as to require interference in the exercise of supervisory jurisdiction under Article 227 of the Constitution of India. The petition is without any merit and is accordingly dismissed in limine.

C. V. BHADANG, J.

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