

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 23 OF 2018

IN

FIRST APPEAL NO. 19 OF 2018

GURUDAS @ SHANKAR KORGAONKAR., ... Applicant

Versus

SUBHADRA A. KORGAONKAR (DEC) THR.
HER LRS. AND 12 ORS., ... Respondents

Ms. V. Palyekar, Advocate for the applicant.

Shri A. D. Bhobe, Advocate for the respondent nos.2a to 2f, 4 and 5.

Ms. Susan Linhares, Additional Government Advocate for the respondent nos.6 to 13.

Shri Prayush Shirodkar, Advocate for the respondent no.7.

Coram:- C. V. BHADANG, J.

Date:- 11th June 2018

P.C.

Reply filed by the respondent nos.2a to 2f, 4 and 5 is taken on record.

2. Heard Ms. Paleykar, the learned Counsel for the applicant, Shri Bhobe, the learned Counsel for the respondent nos.2a to 2f, 4 and 5 and Ms. Linhares, the learned Additional Government Advocate for the respondent nos.6 to 13.

3. The appeal challenges the judgment and decree, by which the appellant/ defendant has been restrained from causing obstructions to the plaintiffs and the users of the suit road/ access shown in the survey plan. The appellant/ defendant is however,

directed to demolish the illegal suit structures in the suit road and clear the suit road/ access. The First Appeal, challenging the impugned judgment and decree, has been admitted.

4. On hearing the learned Counsel for the parties and on perusal of the record, it appears that at present, there is no obstruction in the suit access. Considering the overall circumstances, the application is partly allowed. The part of the impugned judgment and decree directing demolition of the suit structure is hereby stayed, pending the disposal of the appeal. This shall be subject to the condition that the appellant shall not carry out any further construction on the suit access/ road and shall not cause any obstruction to the suit road/ access. It is made clear that the part of the impugned judgment and decree, restraining the appellants from causing any obstruction to the plaintiffs or the users of the suit road/ access, is not stayed.

C. V. BHADANG, J.

SMA