

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL FROM ORDER NO. 1 OF 2018
WITH
MISCELLANEOUS CIVIL APPLICATION NO. 128 OF 2018
IN
APPEAL FROM ORDER NO. 1 OF 2018

APPEAL FROM ORDER NO. 1 OF 2018

Shri Yeshwant V. Gaude (Dec) & 18 Ors. ... Appellants

Versus

Bandekar Brothers Pvt. Ltd.,
Rep. Thr. Its Manager (Admn) ... Respondents

Shri Devidas J. Pangam, Advocate for the Appellants.

Shri R. Shetkar, Advocate for the Respondents.

MISCELLANEOUS CIVIL APPLICATION NO. 128 OF 2018

Bandekar Brothers Pvt. Ltd.,
Rep. Thr. Its Managing Director ... Applicants

Versus

Yeshwant V. Gaude (Dec) & 19 Ors. ... Respondents

Shri Devidas J. Pangam, Advocate for the Appellants.

Shri R. Shetkar, Advocate for the Respondents.

Coram : C.V. BHADANG, J.

Date : 25th APRIL 2018

P.C.

The pursis filed by the learned Counsel for the respondents is taken on record and marked 'X' for identification.

2. The present appeal is filed by the original defendants, challenging the order dated 15.07.2016, granting injunction to the respondent nos. 1 and 2, who are the plaintiffs. A bare perusal of the order shows that injunction was granted, on condition of deposit of Rs.30 lakhs, before the Trial Court, within 60 days from the date of the order. Admittedly, the amount is not deposited.

3. Shri Pangam, the learned Counsel for the appellants therefore submits that the injunction order is not operating for want of compliance of the order.

4. Apparently, for want of compliance of the condition of the order dated 15.07.2016, the order has not become operative. Be that as it may, the learned Counsel for the respondents states that the respondents are not pressing the application for temporary injunction as well as the application for review of the order dated 15.07.2016. The learned Counsel for the respondents, on instructions, also submits that the respondents

is not pressing for Miscellaneous Civil Application No. 128/2018.
The statements are accepted.

5. In such circumstances, the Appeal From Order is disposed of as infructuous and the Miscellaneous Civil Application is dismissed, for want of prosecution. In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.

EV