

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 126 OF 2018

JOAO CRISOSTONIO GLORIO., ... Petitioner

Versus

FRANCIS XAVIER FERNANDES AND ANR., ... Respondents

Adv. Jawahar L. Dias for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 24th January 2018

P.C.:

Heard the learned counsel for the petitioner. The learned counsel submits that there is an order of injunction passed against the respondent way back in the year 2004 restraining the respondents from carrying out any construction in the suit property. It is submitted that the petitioner has brought some construction material and is in attempt to make construction, which is in breach of the order of injunction. If that be so, the petitioner has an equally efficacious remedy available of approaching the learned trial court with an application under Order 39 Rule 2(A) of C.P.C.. The learned counsel for the petitioner, on instructions, states that the petitioner is desirous of filing an application under Order 39 Rule 2(A) of C.P.C. before the learned trial court. The petitioner is also intending to approach the Director of Panchayats, as according to the

petitioner the proposed construction is without any licence and is unauthorized. In view of the fact that the petitioner has an alternate remedy which the petitioner intends to avail, I decline to entertain the petition. The petition is accordingly dismissed. Needless to mention that if an application is filed under Order 39 Rule 2(A) of C.P.C., the learned trial court shall decide the same on its own merits as expeditiously as possible.

C. V. BHADANG, J.

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