

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 96 OF 2016

IN

SECOND APPEAL NO. 61 OF 2016

SHRI GOVINDNATH DEVELAYA, THROUGH
CONST. ATTORNEY KRISHNA VITTHAL
NAIK.

... Applicant

Versus

RAMESH FONDU BORKAR AND 4 ORS.

... Respondent

Shri S.D. Lotlikar, Senior Advocate with Shri Prasheen Lotlikar,
Advocate for the Applicant.

Shri Devidas J. Pangam, Advocate for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 21st June 2018

P.C.

There is a decree for declaration and permanent injunction as also for mandatory injunction, in favour of the respondents. The dispute is about an access.

2. Shri Pangam, the learned Counsel for the respondent no. 1 states that the decree, which is of the year 2015, has already been executed and the gate, which was there on the access has been opened.

3. Shri Lotlikar, the learned Senior Counsel for the applicant states that the appeal may itself be expedited, in as much as, the

respondent no. 1 is claiming right of way to his private property, through the property of the temple, of which, he is a mahajan.

4. Be that as it may, considering the fact that the decree is of the year 2015 and the mandatory part of the decree is already executed, way back on 13.02.2015, no case for grant of stay is made.

5. The application is disposed of. The Second Appeal be added to the final hearing board, if it is otherwise ready.

C. V. BHADANG, J.

EV