

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 11 OF 2018

TAHIR ISANI.,

... Appellant

Versus

C. PINTO TRADE COMMERCE PVT. LTD.
AND 2 ORS.,

... Respondents

Shri Kaif Noorani, Advocate for the applicant.
Ms. K. Pednekar, Advocate for the respondent nos.1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 24th September 2018

P.C.

Heard Shri Noorani, the learned Counsel for the appellant and Ms. Pednekar, the learned Counsel appearing for the respondent nos.1 and 2.

2. The present appeal filed by the appellant (plaintiff) challenges the order dated 16/04/2016, dismissing an application for Temporary Injunction. The appellant had sought an injunction restraining the respondent nos.1 and 2 from creating third party interest in the suit property. It is undisputed that the suit property was already leased out in favour of the respondent no.3. It is further undisputed that the suit itself, after the impugned order was passed, has been dismissed in default and there is an application for restoration filed along with an application for condonation of delay, which is pending consideration before the Trial Court. In that view of the matter,

no case for interference is made out. It is, however, made clear that in the event the suit is restored back to the file, the creation of third party interest, if any, shall be subject to the outcome of the suit. The Appeal is, accordingly, disposed of. There shall be no order as to costs.

C. V. BHADANG, J.

SMA