

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1118 OF 2017

BAGI GONGU BORKER AND ANR., ... Petitioners

Versus

ANA MARIA GOMES (DEC) THR. LRS.
AND 8 ORS., ... Respondents

Shri Ashwin D. Bhobe, Advocate for the petitioners.

Shri Shirin V. Naik, Advocate for the respondent Nos.1(a) and 1(b).

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th July 2018

P.C.:

On hearing Shri A.D. Bhobe, learned Advocate for the petitioners and Shri Shirin Naik, learned Advocate for the respondent Nos.1(a) and 1(b) for sometime and as suggested on the earlier occasion to work out the modalities of settlement, the impugned order is quashed and set aside.

2. The petitioners are directed to keep a three metres wide opening on the Northern side of Survey No.375/3 so as to provide access to the respondent Nos.1a and 1b to go through the property Surveyed under No.375/3 to construct the cowshed as permitted by the learned Trial Court. This arrangement is worked out without prejudice to the rights of the petitioners to raise the available legal defence including an application under

Section 47 of C.P.C. in the execution proceedings pending before the Trial Court.

3. A gate shall be fixed to the said three metres wide opening in respect of which one key will be given to the respondent Nos.1a and 1b in case the petitioners intend to put a lock on it.

4. The petitioners to keep the said three metres wide access open within two weeks and to install the gate within that time.

5. In these terms, the Writ Petition stands disposed off.

NUTAN D. SARDESSAI, J.

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