

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 4 OF 2018

IN

SECOND APPEAL NO. 1 OF 2018

TEOFILO D'SOUZA AND ANR., ... Applicants

Versus

MADHUKAR SANGELKAR AND 5 ORS., ... Respondents

Mr. J. Coelho Pereria, Senior Advocate with Adv. J. Godinho for the Applicants.

Mr. S. Usgaonkar, Senior Advocate with Adv. K. Padgaonkar for the Respondents nos.1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 8th February 2018

P.C.:

Heard Shri Pereira, the learned Senior Counsel for the Applicants and Shri Usgaonkar, the learned Senior Counsel for the contesting respondents no.1 and 2. The service of notice on rest of the respondents is dispensed with, as essentially the dispute is between the appellant and the respondent nos.1 and 2.

2. Indisputably there was an order operating during the course of the pendency of the suit as well as the First Appeal which was passed on the basis of an undertaking given, by the respondents nos.1 and 2 that they would not cut any trees and shall not alienate or transfer the suit property till the disposal of the

appeal. In that view of the matter and having regard to the fact that the second appeal has been admitted, the application is allowed in terms of prayer clause (a) and is disposed off.

C. V. BHADANG, J.

ap/-