

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 28 OF 2014

**JANAKI VITHOBA GAONKAR @ JANAKI
VITHOBA GAONKAR**

... Appellant

Versus

**PUNON KUSHALI NAIK @ KISHORE
KUSHALI NAIK**

... Respondent

**Shri R. G. Ramani and Shri P. Shenvi Kakodkar, Advocates for
the Appellant.**

**Shri Gaurish Agni and Shri T. Gawas, Advocates for the
Respondent.**

Coram:- C. V. BHADANG, J.

Date:- 24th January 2019

P.C.

The challenge in the present Appeal is to the order dated 04.06.2014 passed by the learned Trial Court thereby dismissing the application for temporary injunction filed by the petitioner/plaintiff.

2. Indisputably, the suit in which the impugned order was passed is ripe for hearing and it is stated that the evidence of the plaintiff is being recorded before the Trial Court.

3. It appears that during the pendency of the application before the Trial Court, the Trial Court had granted ad-interim relief by

order dated 26.04.2013.

4. It appears that on 27.06.2014, this Court granted interim relief in similar terms as granted by the Trial Court by Order dated 26.04.2013 which is in force till today.

5. In view of the fact that the suit is at an advanced stage of hearing, Shri Agni, learned Counsel appearing for the respondent, on instructions, states that the respondent shall not withdraw the amount of Rs.1,20,00,000/- along with interest, if any, lying with the Syndicate Bank, Nagarcem, Canacona, Goa, during the pendency of the suit. The statement is accepted.

6. In the result, the appeal is disposed off in view of the statement on behalf of the respondent as above and by consent of the parties.

7. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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