

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 29 OF 2019

ANKUR KANWAR AND ANR., ... Appellants

Versus

FATIMA PRISCILLA LOBO AND 4 ORS., ... Respondents

Mr. Sarvesh Dinker Kamat Malyeker, Advocate for the Appellants.

Mr. A. D. Bhobe and Ms. Kalpa Govenkar, Advocates for the Respondent nos.1 to 3-Original Plaintiffs.

Coram:- C. V. BHADANG, J.

Date:- 18th June 2019

P.C.

Heard the learned Counsel for the parties. Perused record.

2. The appellants are challenging the order dated 09.04.2019 passed by the Trial Court by which the appellants have been restrained from creating any third party rights or doing any construction till the next date of hearing which was scheduled on 02.05.2019.

3. The learned Counsel for the appellants submits that the appellants have filed a reply to the application for temporary injunction and that application is fixed for hearing on 24.06.2019. The learned Counsel for the appellants, on

instructions, states that the appellants shall not create any third party rights or effect any construction on the suit property during the pendency of the application for temporary injunction and this Court may direct the application to be decided in a time bound manner for which the learned Counsel for the respondent nos.1 to 3-original Plaintiffs, the only contesting respondents, has no objection. In the circumstances, service of notice on the respondent nos.4 and 5 is hereby dispensed with.

4. The appeal is disposed off by consent of parties in the following terms :

- (i) The appellants shall not create any third party interest and shall not effect any construction on the suit property during the pendency of the application for temporary injunction.
- (ii) The learned Trial Court shall decide the application for temporary injunction as expeditiously as possible and within three months from the receipt hereof.
- (iii) The rival contentions of the parties on merits are left open.

(iv) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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