

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 47 OF 2016

RUKMINI DATTARAM KAMAT. ... Appellant

Versus

**STATE OF GOA, THR. CHIEF SECRETARY
AND 4 ORS.** ... Respondents

Mr. Sahish Mahambrey, Advocate for the Appellant.
Mr. Ashwin D. Bhobe, Advocate for the Respondent Nos.4 & 5.

Coram:- M. S. SONAK, J.

Date:- 9th October, 2020

P.C.

Heard Mr. S. Mahambrey, learned counsel for the Appellant and Mr. A. D. Bhobe, learned counsel for Respondent Nos.4 and 5 who are really the contesting Respondents.

2. Mr. Mahambrey, learned counsel for the Appellant seeks leave to withdraw this appeal since he rightly submits that by now the reliefs in this appeal have been rendered infructuous. He points out that after the interim reliefs have been declined by the Trial Court, the contesting Respondents proceeded to complete the construction. He points out that the Appellant has amended the plaint and applied for demolition of such construction.

3. In view of the aforesaid, this appeal is disposed of as withdrawn. However, it is made clear that the learned Trial Court while disposing of the suit, ought not to be influenced by any of the observations in the impugned order and the suit will have to be decided on its own merits and in accordance with law.

4. The Appeal From Order is disposed of in the aforesaid terms.

M. S. SONAK, J.

at*