

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL APPLICATION NO. 62 OF 2022

IN

APPEAL FROM ORDER NO. 21 OF 2016

COMMUNIDADE OF SANGOLDA, REP

BY ITS ATT. NEVILLE DSOUZA

...Applicant.

VS

COMMUNIDADE OF PILERNE

...Respondent.

Mr. J. Melo, Advocate for the applicant.

Mr. N. Sardesai, Senior Advocate with Mr. G. Panandiker, Advocate
for the respondent.

CORAM: G. S. KULKARNI, J.

DATE: 15 NOVEMBER, 2022.

P.C.:

1. The applicant by this Civil application has prayed for the
following reliefs:-

*“a. For an order of temporary injunction
restraining the Respondent, their agents,
servants, successors, assigns, person/s claiming
through them, from them, etc. from interfering in
the Suit Property or any part thereof in any
manner what so ever, or entering into the Suit
Property in any manner and keeping the Suit
Property unencumbered, unhindered,
unobstructed, creating third party rights or
doing any other act, work, deed, thing, etc. that
will impede the use and title of the Suit Property
or any part thereof in any manner pending*

hearing and disposal of the accompanying appeal and cross objection;

- b. For an ad-interim relief in terms of prayer clause(a) above;*
- c. For an ex-parte ad-interim relief in terms of prayer clause(b) above;*
- d. For costs;*
- e. For such orders, directions as deemed just fit and proper.”*

2. The above reliefs are prayed for, on an apprehension of the applicant on account of a recent notice dated 24 September 2022 as published by the respondent, in regard to steps being taken for development of land bearing survey no.53/1 in lote No.341 of Village Pilerne belonging to Comunidade of Pilerne.

3. It is informed by Mr. Sardessai, learned Senior Counsel for the respondent that the respondent would be required to take further steps as per law and obtain permissions, if any development is to be undertaken.

4. In these circumstances, as the appeal itself is to heard for final hearing.in my opinion, interest of justice, would be served, if application is disposed of with a direction that in the event any further

steps are being taken by the respondent, a 15 days prior notice of any such steps being taken be issued to the applicant.

5. Ordered accordingly.
6. Disposed of in above terms. No costs.

G. S. KULKARNI,J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
Date: 2022.11.19 13:58:25 +05'30'