

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC.CIVIL APPLICATION NO.165 OF 2023
WITH
FIRST APPEAL NO.19 OF 2018**

MISC.CIVIL APPLICATION NO.165 OF 2023

SITABAI KANDOLKAR (SINCE DECEASED)
AND 2 ORS

... APPLICANTS

Versus

SUBHADRA A. KORGAONKAR(SINCE
DECEASED) THR. LRS

... RESPONDENTS

**WITH
FIRST APPEAL NO.19 OF 2018**

GURUDAS @ SHANKAR KORGAONKAR.,
Versus

... APPELLANT

SUBHADRA A. KORGAONKAR (DEC) THR.
HER LRS. AND 12 ORS.,

... RESPONDENTS

Ms A. Fernandes, Advocate for the Applicants.

Mr Sudin Usgaonkar, Senior Advocate with Ms Pooja Naik,
Advocate for the original Appellant.

Ms Susan Linhares, Additional Government Advocate for
Respondent Nos. 6, 8 to 13.

Mr P. Shirodkar, Advocate for Respondent No.7.

CORAM:- M. S. SONAK, J.

DATED :- 9th November, 2023

P.C.:

Heard the learned counsel for the parties.

2. The reliefs in this application are not opposed. Mr Usgaonkar only states that the order of injunction may be directly served upon the original Appellant because there are now some difficulties in

contacting him.

3. Accordingly, this application is allowed in terms of the prayer clauses (a) except the bracketed portion and (b) which read as follows:

(a) For an order restraining the Appellant (Gurudas alias Shankar Korgaonkar) from discharging waste water/sewage from the structures situated in the suit property (and from committing nuisance);

(b) This Hon'ble Court be pleased to fix a date for final hearing of First Appeal No.19/2018, as per the convenience of this Hon'ble Court.

4. Place the First Appeal No.19 of 2018 for the final hearing on 15.02.2024. The appeal to remain on board until it is finally disposed of.

5. Ms A. Fernandes states that this injunction order restraining the original Appellant from discharging waste water/sewage from the structures situated in the suit property will be served upon the original Appellant. It is clarified that the injunction is granted for the discharge of waste water and sewage from the structures. However, the general injunction for committing nuisance cannot be granted because the same is too vague and there would be difficulty when it comes to

enforcement.

6. The Misc. Civil Application is disposed of.

M. S. SONAK, J.

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