

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.14 OF 2022

RAJ GOVIND BHANDARE AND 2 ORS

... APPELLANTS

Versus

ZAMEER DAUD AND 3 ORS

... RESPONDENTS

Mr A.D. Bhobe with Ms Annelise Fernandes, Advocates for the Appellants.

Mr Nigel Da Costa Frias with Ms L. Sawant, Advocates for Respondent No.1.

Ms Neha Kholkar, Advocate for Respondent No.3.

Ms Sulekha Kamat, Additional Government Advocate for Respondent No.4.

CORAM:- M. S. SONAK, J.

DATED :- 2nd November, 2023

P.C.:

Heard Mr A.D. Bhobe, who appears along with Ms Annelise Fernandes for the appellants. Mr Nigel Da Costa Frias appears along with Ms L. Sawant for the first respondent. Ms Neha Kholkar appears for the third respondent and Ms S. Kamat, the learned Additional Government Advocate, appears for the fourth respondent.

2. The challenge in this appeal is to the Trial Court's order dated 03.05.2021, by which the appellants/original plaintiffs' application for an injunction restraining the first respondent from carrying out any construction on the suit access came to be rejected.

3. Mr Costa Frias, the learned Counsel for the first respondent states that construction of the compound wall around the first respondent's plot is complete in all respects. Accordingly, at this stage, it would not be appropriate to admit this appeal and keep the same pending. However, if the first respondent undertakes any further constructions then it will be open to the appellants to file an appropriate application before the Trial Court to seek interim reliefs. Such application, if filed, will have to be decided on its own merits and in accordance with law.

4. This appeal is disposed of with liberty as above leaving all contentions of all parties open.

5. Misc. Civil Application, if any, does not survive and is disposed of.

M. S. SONAK, J.