

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.21 OF 2021

ELIZABETH FLORA DIAS E LUIS AND
ANR

... APPELLANTS

Versus

RIVERSIDE HOMES DEVELOPERS PVT.
LTD., THR. ITS
MANAGER/DIRECTOR/SECRETARY/AUT.
PERSON AND 28 ORS

... RESPONDENTS

Mr Sarvadnya D. Patil, Advocate for the Appellants.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 17th August, 2023

P.C.:

Heard learned Counsel for the Appellants.

2. Present proceedings are filed against dismissal of injunction application. The observations in the impugned order clearly goes to show that Appellant/Plaintiff failed to establish prima facie case on the basis of some documents produced along with the suit.

3. Learned Counsel for the Appellants now submits that subsequently Plaintiff filed an application for production of additional documents which has been allowed and accordingly, the Plaintiff could prove prima facie title as well as possession over the suit property. He, therefore, at the instructions of the Appellants, prays for withdrawal of these proceedings with liberty to file fresh injunction application on the basis of additional documents allowed by the Trial

Court.

4. Considering such subsequent development, it would be proper to allow the present Appellants to withdraw the proceedings and re-agitate its claim by filing separate application for injunction. If such application is filed, the Trial Court shall decide, by giving opportunity to the other parties and on its own merit. Further, the Trial Court shall not be influenced by its earlier order for the simple reason that additional documents have been produced subsequent to the impugned order. With such liberty, present proceedings stands withdrawn.

5. Proceedings closed.

BHARAT P. DESHPANDE, J.

JOSE
FRANCISCO
DSOUZA

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