

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO. 122 OF 2018
IN
SECOND APPEAL NO. 98 OF 2016

PEDRO VALES (DECEASED)
THROUGH HIS LEGAL HEIRS., APPLICANTS

Versus

MARIA ROSARIA GOMES PEREIRA
(DECEASED) THROUGH HER LEGALRESPONDENT
HEIRS.,

Mr Gaurish N. Agni, with Mr Kishan Kavlekar,
Advocates for the Applicants.

Mr Ajit R. Kantak, Advocate *for Respondents No.1(a) to*
1(e).

CORAM : M. S. SONAK, J.

DATE : 27th January 2023

P.C.: -

1. The Applicant was not the Plaintiff in the suit that was originally instituted. The Applicant had filed a counter-claim. However, there was no any injunction favouring the Applicant. The Trial Court decreed the suit, but dismissed the counter-claim.

2. The First Appellate Court, in the first round of litigation, allowed the counter-claim. However, this order was set aside and

the matter was remanded to the First Appellate Court for a fresh decision. In the second round of litigation, the First Appellate dismissed the counter-claim.

3. Though, the Second Appeal has been admitted, the record shows that neither in the Trial Court nor before the First Appellate Court was there any interim relief favouring the Applicants. Therefore, based upon some dumping of stones on the road side, there is no question of the Applicants now securing an interim relief in these proceedings. Suffice to record that all acts of the parties will have to abide by the final orders in the Second Appeal.

4. Civil Application is, therefore, dismissed. There shall be no order for costs.

M. S. SONAK, J.

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