

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 928 OF 2023

Thomas Fransis Lopes

..Petitioner

Versus

Frank Augustin Lopes & Ors.

..Respondents

Mr. R. S. Datar i/b. Druti Datar for Petitioner.

Mr. Udayan Mukherjee i/b. Kavita Singh for Respondent Nos.1 to 4.

Mrs. Concesao Thomas Lopes, wife of the Petitioner present.

CORAM : SARANG V. KOTWAL, J.

DATE : 21 APRIL 2023

PC :

1. Learned counsel for the Respondents, on instructions, makes a very fair statement that the Petitioner who is the original Plaintiff shall not be obstructed from using the water from the bore-well installed at the back side of the suit premises. The statement is recorded and accepted. He also states that, for maintenance purposes only the Plaintiff-Petitioner will be allowed to access the bore-well pump which is located at the back side of the house. This statement is also recorded and accepted.

2. In view of these statements, learned counsel for the

Petitioner, on instructions, does not press this petition.

3. The Petition is disposed of as not pressed.

4. It is clarified that the aforesaid statements shall be effective till conclusion of the suit. All the contentions raised by both the sides are left open to be decided during hearing of the suit.

(SARANG V. KOTWAL, J.)