



Esha

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL FROM ORDER NO.17 OF 2021

TARACHANDRA SAVLO NAIK

... APPELLANT

Versus

SUBHASH PUNDALIK NAIK AND ANR

... RESPONDENTS

Mr. Sarvesh Kamat Malyeker, Advocate for the Appellant.

Mr. Abhay Nachinolkar with Mr. Siddhant K. Dhakankar, Advocates
for Respondent No. 1.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 16th October, 2024

P.C.

After hearing the matter for some time, Mr. Malyeker submits that the purpose would be served if Respondent No. 1 undertakes that he will not create any third party interest in the suit property.

2. The matter was posted today only for Mr. Nachinolkar to take necessary instructions. Today, Mr. Nachinolkar on instructions from Respondent No. 1 would submit that Respondent No. 1 is ready and willing to file an affidavit before the learned Trial Court disclosing that he will not create any third party interest till the disposal of the suit.

3. Mr. Malyeker submits that if such an affidavit will be filed then the present Appeal could be disposed of.

4. Since the undertaking will be filed before the Trial Court in the form of an affidavit within a period of 15 days from today or on the next date fixed before the Trial Court, whichever is earlier, the purpose for filing the injunction Application would be served.

5. Accordingly, the statement of Mr. Nachinolkar is accepted. Respondent No. 1 shall file the undertaking in the form of an affidavit before the Trial Court within the period as stipulated above.

6. In view of the above statement, the present Appeal from Order stands disposed of.

BHARAT P. DESHPANDE, J.