

vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.606 OF 2023

MAHESH SINARI

... PETITIONER

Versus

CECELIA AFONSO

... RESPONDENT

Mr Iftikhar Agha and Mr Utkarsh Sawant, Advocate for the petitioner.

Mr Jatin Ramaiya, Advocate for the respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 3rd April, 2024

P.C.

Heard Mr I. Agha, learned counsel for the petitioner and Mr J. Ramaiya, learned counsel for the respondent.

2. Petition could be disposed of on the basis of affidavit cum undertaking given by the respondent today, it is taken on record and marked X for identification.

3. Proceedings before the trial Court are pending and there is a dispute with regard to construction activities carried out by the respondent.

4. While arguing the matter on an earlier date, it was pointed out that construction undertaken by the respondent is without any permission from the concerned authority. At this stage, it was submitted that the respondent will undertake not to carry out further construction in the suit property without obtaining permission from the

concerned authorities.

5. Today such undertaking is placed on record. However, Mr Ramaiya, learned counsel for the respondent, on instructions, further agrees that even after obtaining the permissions from the competent authorities, the respondent will intimate the Civil Court about it.

6. Such recourse to intimate the Civil Court is necessary for the purpose of facilitating the plaintiff/petitioner to take necessary recourse available in law.

7. With this undertaking, the petition filed by the petitioner could be disposed of.

8. The learned trial Court is directed to adhere to the undertaking given by the respondent during the pendency of the civil suit.

9. A copy of this undertaking shall be placed along with the order of this Court before the learned trial Court.

10. Parties to act on the duly authenticated copy of this order.

11. Petition stands disposed of in above terms.

BHARAT P. DESHPANDE, J.