

IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NO. 63 OF 2009

Shri Fondu Ram Gaonkar
and 10 Ors. .. Appellants

Versus

Smt. Lourencia Pinto and 21
Ors. .. Respondents.

Mr. V. A. Lawande, Advocate for appellant no.1 to 9 and 11(a) to 11(k.)

Mr. C. A. Coutinho, Advocate for respondent nos.1 and 2.

Mr. Sudesh Usgaonkar, Advocate for respondent nos.3 to 19, 21 to 22(f).

Coram :- A. P. Lavande, J.

Reserved on : - 17th February, 2011.

Pronounced on :- 18th February, 2011.

P.C.

The appeal is admitted on the following substantial question of law :

- (i) The appellate Court having held that the construction of house property and cowshed in the property bearing survey no.4/0 had not come up during the pendency of the suit and in view of the evidence that the same were in existence much prior to the institution of the suit, whether the appellate Court was legally justified in granting mandatory injunction to demolish the same and deliver vacant possession thereof to the plaintiffs ?

2. Mr. Coutinho, learned Counsel waives notice on behalf of respondent nos.1 and 2. Mr. Usgaonkar, learned Counsel waives notice on behalf of respondent nos.3 to 19, 21 to 22(f).

SMA

A. P. LAVANDE, J.