

Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 497 OF 2023
IN
WRIT PETITION NO.2073 OF 2022 (F)

UTTAM SHANKAR APULE ... APPLICANT
Versus
SHARAD U. APULE AND ANR ... RESPONDENTS

Mr. Sarvesh Sawant, Advocate for the Applicant.

CORAM: AVINASH. G. GHAROTE, J.

DATED: **22nd MARCH 2024**

P.C.

1. Though the Respondent No. 2 is claimed to have removed himself from the premises in question, however, it is contended that he has kept his belongings in the premises and continues to visit the premises on that count and continues to harass the Applicant.

2. The Respondent no. 2 inspite of the service has chosen not to appear.

3. A modification is sought to the effect that the direction for removal of the Respondent no. 2 should also be construed as a direction to remove all his belongings too, otherwise, the direction

would become ineffective.

4. It is also contended that though a complaint has been made to the authorities, in the absence of a specific direction in this regard, the Judgment dated 06.10.2022 assistance is being declined.

5. The Judgment dated 06.10.2022 in paragraph Nos. 22 and 23 while directing Respondent No.2 to remove himself has given the following directions:-

22. It needs to be clarified and as stated by Mr.

Lotlikar Learned Senior Counsel for the respondent,

that the dispute with the petitioner no.1 stands settled

and the order passed by the tribunal would become

applicable on in so far as petitioner no.2 is concerned.

Petitioner no.2 is accordingly directed to remove himself

from the premises within a period of two weeks from the

day of a copy of this order is made available.

23. However, during such period, petitioner no. 2

shall not create any mental or physical harassment to the

respondent or his wife-mother. Any such instance shall be

viewed seriously, if it is brought to the notice of the

appropriate forum, including this Court.

6. A perusal of the above would indicate that the aforesaid direction for removal of Petitioner No.2 from the premises in question would include in itself, a direction to remove all his belongings too, otherwise, the direction would become redundant.

7. The application is, therefore, allowed and it is clarified that the direction as contained in paragraph No. 22 of the Judgment dated 06.10.2022 includes a direction for the Respondent No.2 to remove all his belongings from the premises in question also. Application is accordingly allowed in the above terms, with no order as to costs.

AVINASH G. GHAROTE, J.