

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 10 OF 2015

MRS. JOANA PINTO BARRETTO AND 2

ORS.,

... Appellants

Versus

THE STATE OF GOA THROUGH THE CHIEF

SECRETARY, GOVT. OF GOA AND 23

ORS.,

... Respondents

Shri Ryan Da Piedade Menezes, Advocate for the Appellants.

Smt. Priyanka Kamat, Additional Government Advocate for the Respondent Nos. 1 and 2.

Smt. Anarkali Agni, Senior Advocate with Ms. Kalpa Govekar, Advocate for the Respondent Nos. 3 to 18.

Coram:- C. V. BHADANG, J.

Date:- 10th July, 2015

P.C:

By this appeal, the appellants/plaintiffs are challenging the order dated 24.11.2014, by which the application for temporary injunction (Exhibit-21) was dismissed. The dispute pertains to a right of way. According to the appellants, the respondents were trying to obstruct the way, by erection of a gate/compound wall and thereafter, raising cement poles and barbed wire fencing.

2. It appears that the suit was filed by the appellants in the year 2013 and since then, there is no temporary injunction operating in favour of the appellants. It is also submitted that the suit is ripe for hearing. The parties therefore, expressed willingness to get the suit decided expeditiously, in as much as, for the period of two years, there is no

temporary injunction operating. In such circumstances, Shri Menezes, learned Counsel for the appellants, on instructions, seeks permission to withdraw the appeal, with a request to expedite the hearing of the civil suit.

3. Smt. Agni, learned Senior Counsel for the respondent nos. 3 to 18 has no objection.

4. In such circumstances, the following order is passed.

(a) The appeal is disposed of, as withdrawn.

(b) The learned trial Court shall decide Civil Suit No.36/2013, as expeditiously as possible and an endeavour shall be made to decide it finally, within a period of one year from today.

(c) All the rival contentions of the parties are expressly kept open.

(d) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

EV