

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 608 OF 2015

SILVERSPRING ESTATES, REPRESENTED
BY ITS PARTNER MR.NARESH BOVANI
RAMANI.

... Petitioner

Versus

SEQUEIRA AND DAUGHTERS,
REPRESENTED BY ITS MANAGING
PARTNER SHRI ERIC FRANCIS SEQUEIRA
AND 3 ORS.,

... Respondents

Mr. P. Wagale, Advocate for the petitioner.

Mr. R. Almeida, and Mr. Jude Dias, Advocates for the respondents.

Coram:- F. M. REIS, J.

Date:- 5th August, 2015

P.C.:

I have heard Mr. P. Wagale, learned Counsel appearing for the petition and Mr. R. Almeida, learned Counsel appearing for the respondents. The main grievance of the petitioner is that after the impugned order came to be passed on 1st August, 2015, an urgent certified copy was sought, but, however, the same was not delivered within 48 hours as prescribed under the Rules. It is further submitted that there is likelihood of the respondents alienating the disputed property in case no protection is granted to the petitioner.

2. On perusal of the records, I find that the petitioners, if they so desire, could have sought for an ad interim order, after the learned Trial Judge disposed of the application for temporary injunction, as it

is not disputed that an ex parte order was in operation during the pendency of the application not to create any third party rights in respect of the disputed property. Having failed to do so, the question of entertaining this petition on the grievances raised by the petitioner, in the present petition, at this stage would not at all be justified. However, the above writ petition is disposed of with liberty to the petitioner, if so advised, to file an appropriate application seeking ad interim relief before the learned Trial Judge in case the certified copy has not yet been delivered.

3. The learned Counsel appearing for the respondents fairly states upon instructions that for two days, the respondents shall not create any third party rights in respect of the disputed property. Accepting the said statement and subject to the above, the writ petition stands rejected.

F. M. REIS, J.

ssm.