

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 626 OF 2014

Goa Carom Association,
Through its President
Mr. Shashikant Amonkar,
Having office at H. No.39/2,
Patto, Ribandar-Goa. Petitioner

V e r s u s

1. Shri Francis Serrao
R/o Somnath Appt. F2,
Verem, Reis Magos,
Bardez-Goa and 7 others. Respondents

Mr. Sahish Mahambrey, Advocate for the Petitioner.

CORAM: N. M. JAMDAR, J.

DATE: 11TH FEBRUARY, 2015.

ORAL ORDER:

The petitioner challenges the order passed by the Civil Judge Junior Division at Panaji, rejecting an application for ad-interim relief by the order dated 19 September, 2014.

2. The petitioner has filed a suit praying for permanent and mandatory injunction against the respondents. It is the case of the petitioner that they are duly elected Committee of Goa Carrom Association. According to the petitioner, the respondents were wrongly using the name of Goa Carrom

Association and holding the tournaments unauthorizedly under their banner. In this suit, the petitioner took out an application for temporary injunction seeking to restrain the respondents from using the name and banner of the Association for the carrom tournaments scheduled from 20 September to 21 September 2014 and for temporary injunction till the disposal of the suit. In this application for temporary injunction, the petitioner prayed for ad-interim relief in respect of tournament which was scheduled on the next date i.e. 20th and 21st September. The learned Civil Judge rejected the ad-interim relief by the impugned order.

3. The tournament, for the purpose of which ad-interim relief was sought, is already over and therefore, the purpose of ad-interim relief no longer survives. Mr. Sahish Mahambrey, learned counsel for the petitioner submitted that the application for temporary injunction is still pending and the observations made in the ad-interim order will prejudice the petitioner at the time of hearing of the temporary injunction application.

4. Perusal of the impugned order shows that the learned Judge refused grant of ad-interim relief primarily on the ground that last minute cancellation will embarrass all the parties and will cause prejudice to the respondents. That being the core reason of the impugned order rejecting ad-interim order, the apprehension of the learned counsel for the petitioner is unwarranted. Since the prayer for ad-interim relief has become infructuous, I am not inclined to interfere

with the impugned order in this petition. It is however clarified that the application for temporary injunction will be decided on its own merits. Since the application for temporary injunction is filed in September 2014, the learned Civil Judge will take up the same for consideration at an early date, looking at the nature of the relief sought. The Writ Petition is accordingly disposed off.

N. M. JAMDAR, J.

Ap/-