

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 57 OF 2012

MR. THOMAS ANTONIO DA COSTA AND 9
ORS.,

... Appellants

Versus

STATE OF GOA THROUGH THE CHIEF
SECRETARY AND 28 ORS.,

... Respondents

Mr. S.D. Lotlikar, Senior Advocate with Adv. J. Simoes for the
Appellants.

Mr. A. Prabhudessai, Additional Government Advocate for
Respondent no.1.

Mr. J. E. Coelho Pereira, Senior Advocate with Adv.Mr. V.
Braganza, for Respondents no. 6 & 7

Coram:- C. V. BHADANG, J.

Date:- 31st August, 2015

P.C.:

Heard Mr. Lotlikar, the learned Senior Counsel for the Appellants,
Mr. Prabhudessai the learned Additional Government Advocate for
respondent no.1. and Mr. Pereira, the learned Senior Counsel for the
contesting respondents no.6 and 7.

2. The appeal is filed by the appellants/plaintiffs challenging the
rejection of their application for temporary injunction by order dated
12/10/2012.

3. The dispute at this stage is essentially between the private parties
i.e. the appellants and the respondents no.6 and 7.

Shri Lotlikar, the learned Senior Counsel for the appellants and Shri Pereria, the learned Senior Counsel for the respondents no.6 and 7, on instructions, submit that the appeal could be disposed of by consent.

4. As such the following order is passed by consent of the contesting parties:

i) The findings and the observations recorded by the Trial Court in the order dated 12/10/2012 shall not be binding at the trial.

ii) The learned Senior Counsel for respondents no.6 and 7 does not dispute that merely because the property is lying within the limits of Comundiade of Taliegao would not mean that it is not situated at Panaji. All other rival contentions of the parties are kept open to be agitated during the trial in the suit.

iii) The learned counsel for the appellants submits that he intends to file an application for amendment of the plaint. If such an application is filed, the same shall be decided in accordance with law.

iv) The learned Trial Court shall decide the suit as expeditiously as possible and preferably within a period of one year from today.

v) The parties to co operate for time bound disposal of the suit.

vi) Appeal is disposed of in the aforesaid terms with no orders as to costs.

vii) The interim order dated 1/11/2012 stands vacated.

C. V. BHADANG, J.

ap/-