

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 499 OF 2016

MR. AMAR SUBHA NAIK AND 9 ORS. ... Petitioner
Versus
MR. DEVU KESHAV NAIK AND 35 ORS. ... Respondent

Mr. S. D. Lotlikar, Senior Advocate with Mr. Samir Taleigaonkar,
Advocate for the Petitioners.

Coram:- M. S. SONAK, J.

Date:- 23rd May, 2016

P.C.

Heard Shri S. D. Lotlikar, learned Senior Advocate with Mr. S. Taleigaonkar, learned Counsel for the Petitioners.

2. Although, notices through the Bailiff are stated to have been issued, there is no record of service upon the Respondents. In any case, for the Order which is proposed to be made, there is no necessity to await service upon the Respondents.

3. The challenge in this Petition is to the Judgment and Order dated 17.03.2016 made by District Judge-II, Panaji, (sitting at Ponda) dismissing Misc. Civil Appeal no. 71 of 2015 against Order dated 16.06.2015 made by Senior Civil Judge (Trial Judge) at Ponda in Regular Civil Suit no. 56/2014/A.

4. The Petitioners in the present Petition are Original Defendants in the said suit. The Petitioners have however raised a counter claim and therein the Petitioners had also applied for certain interim reliefs. By Order dated 30.04.2015, the trial Judge had in fact directed the parties to maintain status quo. However, by Order dated 16.01.2015, the trial Judge vacated the status quo by observing that a short date would be granted to hear the application for interim relief on merits. By the impugned Judgment and Order dated 17.03.2016, the Appeal Court, has declined to interfere with the trial Judge's Order dated 16.06.2015 but has directed that the application for interim reliefs be disposed of expeditiously.

5. At this stage, it is not necessary to express any view one way or the other and to entertain the present Petition. However, it would be appropriate if the trial Judge is directed to hear and decide the application for interim Order filed by the Petitioners as expeditiously as possible and in any case on or before 30.06.2016. Such directions are accordingly issued. The learned Senior Advocate for the Petitioners informs that the matter is in fact posted for hearing on 02.06.2016. The trial Judge is directed to ensure that the matter is not unnecessarily adjourned at the behest of either of the parties and that the application for interim relief is disposed of on or before 30.06.2016.

6. It is made clear that this Court has not adverted to the merits of

the matter. Similarly, whilst disposing off the application for interim relief, the trial Judge would not be influenced by any observations in the impugned Order dated 17.03.2016. The application for interim relief is to be disposed of on its own merits and in accordance with law.

7. The Petitioners are authorised to file authenticated copy of this order before the trial Judge on or before 02.06.2016 and serve such copy to the Advocates appearing for the Respondents before the trial Judge.

8. With the aforesaid observations, the present Petition is disposed of.

9. All concerned to act on the basis of the authenticated copy of this Order.

M. S. SONAK, J.

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