

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 17 OF 2015

IN

WRIT PETITION NO. 356 OF 2015

SMT. RAMABAI S. KERKAR AND 14
ORS.,

... Applicants

Versus

SHRI. SHIVA K. DEVLII @ KERKAR
(SINCE DECEASED) THROUGH HIS LEGAL
HEIRS.,

... Respondent

Mr. Vishnuprasad A. Lawande and Ms. P. Kaur, Advocates for the
applicants.

Mr. D. J. Pangam and Mr. S. P. Munj, Advocates for the respondent
nos.1(a) and 1(b).

Ms. Susan Linhares, Additional Government Advocate for the
respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 18th March, 2016

P.C.

Heard the learned Counsel for the parties.

2. This Court, by an order dated 10/09/2015, while disposing of
W.P.No.356/2015, had observed that it would be open to the Civil
Court to consider such an application for Temporary Injunction, if
filed, on its own merits.

3. It is submitted by the learned Counsel for the petitioner that the

observation of this Court while setting aside the impugned order dated 29/09/2014 that the application for Temporary Injunction is hereby dismissed, would come in his way.

4. In fact as observed earlier, this Court had already said that it would be open to the Civil Court to consider the said application, if any, on its own merits. However, with a view to alleviate the apprehension expressed on behalf of the applicant and by consent of the parties, the part of the observations, namely "the application for Temporary Injunction is hereby dismissed", would stand deleted from the order. The order shall be corrected accordingly and the corrected order shall be uploaded.

5. The parties also agree that having regard to the fact that the dispute is pending since long, the application for Temporary Injunction be expedited. Accordingly, it is directed that the Civil Court shall decide the application for Temporary Injunction on its own merits as expeditiously as possible and preferably, within a period of three months from today.

6. The Review Application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

SMA