

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 544 OF 2007**

1. Miss Maria Tereza Cardozo  
alias Sara, major of age,  
service;

2. Mr. Alwyn J. Y. D'Cunha,  
major, service  
Both residents of House  
No.11, Sawanta Waddo,  
Assagao, Bardez-Goa.

..... Petitioners

Versus

1. Mrs. Julia D'Souza,  
married, housewife,

2. Mr. Joaquim Cipriano D'Souza,

Both residents of House No.702, Sata  
Porio, opposite Sports Club of Moira.

3. Mr. Joaquim Ricardo Jose Cardozo,  
major, resident of House No.9, Dulip Singh  
Bungalow, P.W.D. Road, Jodhopur,  
Rajasthan.

4. Mr. John Cajetan Pinto,  
major, retired;

5. Mrs. Arbenia Eugenia Pinto,  
major, housewife;

6. Miss Lucy Pinto,  
major, housewife,

All residents of Room No.5,  
Top Floor, Bandra, Mumbai-50,

(duly represented by respondent no.7 as  
Power of Attorney).

7. Mr. Bharat S. Raut,  
major, businessman;

8. Mrs. Shobha Bharat Raut,  
major, businessman,

Both residents of Socol Waddo,  
Assagao, Bardez-Goa.

..... Respondents

Ms. Susan Linhares, Advocate for the Petitioners.

Mr. P. Lotlikar, Advocate for Respondent nos. 7 & 8.

**Coram:- C. V. BHADANG, J.**

**Date:- 6th June, 2016.**

**ORAL JUDGMENT:**

Heard the learned counsel for the petitioners and the respondent nos.  
7 and 8, who are the only contesting parties.

2. The petitioners, who are the original plaintiffs had sought temporary injunction restraining the respondent nos. 7 and 8 from effecting any construction on the suit site, which was rejected by the trial Court and confirmed in appeal by the learned District Court. On 18/4/2008 while issuing Rule, this Court had passed the following order:

**ORDER:**

"Rule. On the respondent no.7 furnishing an undertaking, in writing, in this Court within a period of one week from today that he shall demolish the construction in the suit property, in case the petitioners succeed in the suit, there shall be no injunction against the said respondent. However, if the said respondent fails to furnish such an undertaking, there shall be an injunction in terms of prayer clause (C) of the petition."

3. The learned counsel for the respondent nos. 7 and 8 has enclosed a copy of the undertaking furnished in pursuance of the order dated 18/4/2008. In such circumstances, the parties submit that the petition can be disposed of in terms of the order dated 18/4/2008 and the suit which is of the year 2005 be expedited.

4. In such circumstances, Rule is made absolute in terms of the order dated 18/4/2008 with no order as to costs. The learned trial Court shall decide the suit as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. Parties to co-operate for early disposal of the suit.

**C. V. BHADANG, J.**

ap/-