

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 695 OF 2010

M/S. KAY JAY CONSTRUCTION CO, PVT. LTD., REP. BY MR. HARISH KOTWANI	... Petitioner
Versus	
MR. FRANCIS LUCINO PEREIRA AND ANR.,	... Respondents

Mr. P. S. Lotlikar, Advocate for the petitioner.
Mr. Joaquim Godinho, Advocate for the respondent nos.1 & 2.

Coram:- M. S. SONAK, J.

Date:- 12th April, 2017

P.C.

Heard Mr. P. S. Lotlikar, learned Advocate for the petitioner and Mr. J. Godinho, learned Advocate for the respondent nos.1 and 2.

2. The petitioner are the original defendants and the respondents are the original plaintiffs in the Regular Civil Suit No.161/2009/F pending before the learned Trial Judge. The learned Trial Judge had initially declined to grant the plaintiffs any interim order to part during the pendency of the suit. However, this order was reversed by the appeal Court and the plaintiffs were armed with interim relief.

3. The petitioner instituted the present Writ Petition questioning the order of appeal Court. The ad-interim relief was granted on 15.10.2010 to stay the operation of the appeal Court order. The ad-interim relief was confirmed on 3.8.2011.

4. This means that from the date of institution of the suit there is in effect, no interim order in operation in favour of the plaintiffs. The learned Counsel for the parties admits that trial in the suit has concluded and the matter is infact posted for judgment.

5. In view of the aforesaid, there is no point in disturbing the position as it exists on date. The petition is disposed off by continuing the interim order granted by this Court on 3.8.2011 until the disposal of the suit.

6. It is however, clarified that none of the observations in the orders by which interim relief was granted or declined need be taken into consideration by the learned trial Judge while disposing of the suit on merits. Similarly the learned Trial Judge will also not be influenced by the circumstance that this Court has granted ad-interim relief on 3.8.2011 and same is continued till the disposal of the civil suit. The Civil Suit will have to be disposed off on its own merits and in accordance with law. Petition is disposed off in the aforesaid terms.

M. S. SONAK, J.