

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 841 OF 2017

EXCELSIOR HOTELS PVT. LTD., REP.
BY ITS AUT. SIG., LEAO F. P. DIAS
AND ANR.,

... Petitioners

Versus

GERALD FERNANDES AND ANR.,

... Respondents

Shri Ashwin D. Bhobe, Advocate for the Petitioners.

Shri Shivan Desai, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 26th September 2017

P.C:

Heard for some time.

2. Shri Bhobe, the learned Counsel for the petitioners, on instructions from Mr. P. Vidyasagar, who is present before the Court, seeks leave to withdraw the petition, with a request to continue the order dated 06.09.2017, passed by the learned District Judge.

3. Shri Desai, the learned Counsel for the respondents opposes the continuation of the order of the interim relief. He submits that the Trial Court may be directed to decide the application for temporary injunction in a time bound manner.

4. The learned Trial Court had granted the application for temporary injunction by an order dated 02.12.2016 and which was in force during the pendency of the appeal. Even after the disposal of the appeal, the learned District Judge continued the said order for a period of about 30 days w.e.f. 02.12.2016. It would thus be appropriate that the said order continues and the Trial Court decides the application for temporary injunction in a time bound manner.

5. In such circumstances, the Writ Petition is disposed of as withdrawn. The learned Trial Court shall decide the application for temporary injunction, as expeditiously as possible and preferably within a period of eight weeks from the receipt of this order. The order of the learned Trial Court dated 02.12.2016, shall continue as ad-interim relief during the pendency of the application for temporary injunction.

In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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