

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 769 OF 2016**

Silverspring Estates, a partnership firm, registered under the Indian Partnership Act, having its office at Flat No. 2, Mahambre Building, F.L. Gomes Road, Vasco-da-Gama, Goa, represented by its partner, Mr. Naresh Bovani Ramani, son of Bovani Sinai Ramani, 68 years of age, residing at Villa A-1, Chamunda Enclave, Bondir, St. Cruz, Ilhas, Goa.

.... Petitioner

Versus

1. Sequeira & Daughters, a partnership firm registered under the Indian Partnership Act, having its registered office at Sequeira Heritage, Alto Ribandar, Goa.
2. Eric Francis Sequeira, son of Joseph Sequeira, major in age, residing at Sequeira Heritage, Alto Ribandar, Goa. } *Deleted as per Order dated 21.06.2017*
3. Moneycare Finance and Leasing Pvt. Ltd., a Company registered under the Indian Companies Act, 1956 and having its registered office at Building No. 1, 17 Sumernagar, Ground Floor, near Korakendra fly over, Borivali (West), Mumbai.
Represented by its Director, Mr. Mahesh Dhirajlal Kothari, son of Dhirajlal Virpal Kothari, aged 62 years, residing at 10, Anand Dham, 1st floor, Opp. G/North Municipal Office, near Makrand Society, Senapati Bapat Marg, Dadar (West), Mumbai.
4. Green Life Property LLP, a Company registered under the Indian Companies Act, 1956 and having its registered office at Building No. 1, 17 Sumernagar, Ground Floor, near Korakendra fly over, Borivali (West), Mumbai.

Represented by its Partner, Mr. Mahesh Dhirajlal Kothari, son of Dhirajlal Virpal Kothari, aged 62 years, residing at 10, Anand Dham, 1st floor, Opp. G/North Municipal Office, near Makrand Society, Senapati Bapat Marg, Dadar (West), Mumbai.

.... Respondents

Mr. Sudin Usgaonkar, Senior Advocate with Mr. Ashwin Ramani, Advocate for the Petitioner.

Mr. C.A. Ferreira, Advocate for the Respondent No. 1.

Mr. D. Tendulkar, Advocate holding for Mr. Vijay Palekar, Advocate for the Respondent Nos. 3 and 4.

CORAM:- C.V. BHADANG, J.

DATE:- 29th January, 2018.

ORAL JUDGMENT:

Rule made returnable forthwith. Advocate Ferreira waives service for the respondent no. 1 and Advocate Tendulkar waives service for the respondent nos. 3 and 4. Heard finally by consent of parties.

2. There was an ad-interim order before the learned Trial Court, directing the respondents not to create any third party interest in the suit property, which was also in operation during the pendency of the appeal. The learned Counsel for the parties submit that the suit is ripe for hearing.

3. In such circumstances, the petition is disposed of, by consent of parties, in the following terms:

ORDER

- (a) The petition is allowed.
- (b) The impugned order is hereby set aside.
- (c) The respondents are hereby restrained from creating any third party interest in the suit property, pending disposal of the suit.
- (d) The Trial Court shall decide the suit as expeditiously as possible and preferably, within a period of one year from the receipt hereof.
- (e) Parties to co-operate for time bound disposal of the suit.
- (f) Rule is made absolute in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.