

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1006 OF 2018

VIKESH SHAMBA PHADTE.,

... Petitioner

Versus

**VALLABH PANDURANG SHETYE AND 7
ORS.,**

... Respondents

Shri Preetam Talaulikar, Advocate for the Petitioner.
Shri K. T. Sawant, Advocate for the Respondent Nos.1 to 5.
Ms. Neha Kholkar, Additional Government Advocate for the
Respondent No.7.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th October 2018

P.C.

Shri K. T. Sawant, learned Counsel submits that he has instructions to appear on behalf of the respondent nos.1 to 5 and would file his Wakalatnama in the Registry during the course of the day. Affidavit in reply has been filed by him.

2. Ms. Neha Kholkar, learned Additional Government Advocate waives service on behalf of the respondent no.7.

3. Considering the issue involved wherein the learned Trial Judge has ordered the maintenance of status quo in favour of the respondent nos.1 to 5 and making the notice returnable on 20.10.2018, it is apparent that the same is not in consonance with

the predicates of Order XXXIX Rule 3A of the Civil Procedure Code. Shri Sawant, learned Counsel for the respondent nos.1 to 5 also in fairness concedes that the said order may be set aside with requisite directions to the Trial Court to deal with the application appropriately.

4. Shri Talaulikar, learned Counsel appearing for the petitioner submits, on instructions, that his written statement is ready and that he would file the same before the Trial Court on Friday, the 12th. He undertakes to maintain status quo till then.

5. The impugned order is accordingly quashed and set aside. The parties are directed to appear before the Trial Court on 12.10.2018 at 14.30 hours and thereupon the Trial Court would proceed in accordance with law and dispose off the application as expeditiously as possible while preponing the pre-scheduled date of 20.10.2018.

NUTAN D. SARDESSAI, J.

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