

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.20 of 2017

Mr. Sunil Kumar,
Son of late Jagdev Mahto,
57 years of age, r/o. H.257/2B,
Kumar Sadan,
Raghuvir Smriti Nagar,
Merces, Ilhas – Goa

....Appellant

Versus

1 Mr. Parasnath Singh,
 Son of Mr. Yadunandan
 Prasad,
 Major of age,
 r/o. Danteshywar
 Residency,
 Kirlawaddo, Chimbhel,
 Tiswadi,
 Post Office Ribandar Goa.

2 Mrs. Manoramadevi
 Parasnath Singh,
 Wife of Parasnath Singh,
 Major of age,
 r/o. Danteshywar
 Residency,
 Kirlawaddo, Chimbhel,
 Tiswadi,
 Post Office Ribandar Goa.

3 Charles Barromeu

Menezes,
alias Charles Valdimir
Menezes,
(since deceased) through
legal heirs,

- 3(a) Mr. Ambrose Menezes,
Major of age,
r/o. Deira, Dubai.
- 3(b) Mrs. Jean Menezes,
Major of age,
r/o Deira, Dubai.
- 3(c) Mr. Brian E. Menezes,
Major of age,
r/o. Coral Springs,
Florida – 33065, USA.
- 3(d) Mrs. Jeanette Lobelle
Menezes,
Major of age,
r/o. Coral Springs,
Florida – 33065, USA.
- 3(e) Mr. Desmond Menezes,
Major of age,
r/o. Deira Dubai.
- 3(f) Mrs. Fran Loveleen
Menezes,
Major of age,
r/o. Peddem, Mapusa,
Bardez-Goa.

- 4 Mrs. Maria Angelica
Maximiana Menezes alias
Maxy Menezes, major of
age, Peddem, Mapusa,
Bardez-Goa.
- 5 The Secretary,
Village Panchayat of Tivim,
Having office at Tivim,
Bardez-Goa.
- 6 The Registrar of Firms
Having office at Panaji Goa
Junta House, Panaji.
- 7 State of Goa,
Represented by Chief
Secretary,
Government of Goa,
Secretariat, Porvorim Goa.
- 8 Mr. Ashok Kumar,
Son of Yadunandan Prasad,
major of age,
R/o. H.No.204/P, G-1,
Subham Apartment,
Vasudha Clony,
Alto St. Cruz,
Bambolim-Goa.

.... Respondents

Mr. Ashwin D. Bhobe with Mr. Chirag Angle, Advocates for the appellant.

Mr. Dinesh Naik, Advocate for the Respondents No.1 and 2.

Coram : M. S. SONAK, J.

Date : 15th October, 2020

ORAL JUDGMENT:

Heard Mr. Ashwin D. Bhobe, the learned Counsel for the appellant and Mr. Dinesh Naik, the learned Counsel for the respondents No.1 and 2. Mr. Anthony D'Silva, learned Counsel appears on behalf of respondents No.3(A) to 3(E). However, today, on account of health issues, he is not able to attend the video-conference.

2. The challenge in this appeal is to the order dated 09.12.2016 by which the appellant-plaintiff's application for interim relief came to be rejected. Though this appeal was admitted on 24.08.2018, no interim relief was granted. This means that on the date of the institution of the suit, in the year 2012, there is no interim relief as such in operation.

3. Mr. Naik, learned Counsel points out that the suit is at an advanced stage in the sense that the evidence on behalf of the plaintiff is in progress. At this stage it will not be proper to go into the rival contentions in relation to the impugned order.

4. Instead, the interest of justice will be met if the learned Trial Court is directed to dispose of the suit as expeditiously as possible

and, in any case, within a period of one year from today on its own merits and in accordance with law, without, in any manner, being influenced by any of the observations in the impugned order or the fact that the impugned order is not being interfered with by this Court at this stage.

5. Therefore, with the aforesaid directions, this appeal is disposed of.

6. All concerned to act on the basis of the authenticated copy of this Order.

M. S. SONAK, J.

msr.