

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 55 OF 2016

AND

APPEAL FROM ORDER NO.28 OF 2017

- 1). MAZANIA OF TEMPLE OF SHRI
NAVADURGA OF MADKAI
through its Attorney
Shri Suresh Bhagwant Kamat,
With office at Deulwada, Madkai,
Ponda Taluka, Goa.
- 2) SHRI VALLABH KAMAT,
President,
Shri Navadurga Saunshtan,
Madkai, Goa, P.O. Mardol,
Pin 403404.

...Appellants.

Versus

- 1) SHRI DEVI NAVADURGA
PRATISHTHAN
through its trustees respondent no. 2
to 11.
- 2) SHRI SHAILENDRA VITHAL
PANJIKAR,
Son of Vithal Shapur Panjekar,
Age 42 years, married, businessman,
Trustee and president of plaintiff
No.1, Resident of H.No.1125, Adan,
Tonk, Madkai, Ponda-Goa.
- 3) SHRI TULSHDIAS MONU
NARVEKAR,
Son of late Monu Tau Narvekar,
Age 59 years, married, Service,

Trustee of Plaintiff No.1,
Resident of H.No.995, Adanwada,
Madkai, Ponda-Goa.

- 4) SHRI MAKARAND DURGADAS
GHAISAS,
Son of late Durgadas Govind
Ghaisas, Age 41 years, married,
Service, Trustee of Plaintiff No.1,
Resident of H.No.2, Shri Rajpurohit
Sadan, Near Shri Navadurga Temple,
Dutalem Wada, Madkai, Ponda, Goa.
- 5) SHRI KESHAV GAJANAN
GAUDE,
Son of late Gajanan Shanu Gaude,
Age 34 years, married, Service,
Trustee of Plaintiff No.1,
Resident of H.No.224/1, Honso
wada, Madkai, Ponda-Goa.
- 6) SHRI SARVESH NILKHANT
MANGESHKAR,
Son of Nilkhanta Logolo
Mangeshkar,
Age 38 years, married, Service,
Trustee of Plaintiff No.1,
Resident of H.No.1374, Honso
wada, Madkai, Ponda-Goa.
- 7) SHRI CHANDAN KHUSHALI
NAIK,
Son of Kushali Tanu Naik,
Age 38 years, unmarried, contractor,
Trustee and Vice president of
Plaintiff No.1, Resident of
H.No.457, Mahalwada, Madkai,
Ponda-Goa.

.... Respondents.

- 8) SHRI SUDESH SUBHASH GAUDE,
Son of Subhash Gaude,
Age 31 years, married, businessman,
Trustee and Secretary of Plaintiff
No.1, Resident of H.No.96/B,
Dutalem Wada, Madkai, Ponda-Goa.
- 9) SHRI GAURISH BHIKO NAIK,
Son of Bhiko Ganesh Naik,
Age 32 years, unmarried, Service,
Trustee and Treasurer of Plaintiff
No.1, Resident of H.No.933/A,
Wadal Wada, Madkai, Ponda-Goa.
- 10) SHRI NARESH VITHAL NAIK,
Son of Vithal Anant Naik,
Age 42 years, married, Service,
Trustee and Vice Treasurer of
Plaintiff No.1, Resident of
H.No.186, Madkai, Ponda-Goa.
- 11) SHRI PRASHANT MOHANDAS CHARI,
Son of Mohandas Datta Chari,
Age 36 years, unmarried,
businessman, Resident of
H.No.172/A, Honso Wada,
Dhakanem, Madkai, Ponda-Goa.
- 12) SHRI RAJA HARISHCHANDRA NAIK,
Son of late Harishchandra B. Naik,
Age 61 years, married, ex-serviceman,
Resident of H.No.35, Dutolem,
Marcaim, Ponda-Goa.

- 13) SHRI DAMU NANU GAUDE,
Son of late Nanu K. Gaude,
Age 61 years, married, Ex-
Serviceman,
Resident of H. No.1342/1, Dutolem,
Marcaim, Ponda-Goa.
- 14) SHRI DEVENDRA MONDAS
MADKAIKAR,
Son of Mohandas Madkai,
Age 41 years, married, Service,
Resident of H.No.8, Dutolem,
Marcaim, Ponda-Goa.
- 15) SHRI GOKULDAS VASU GAUDE,
Son of late Vasu Y. Gaude,
Age 54 years, married, Service,
Resident of H.No.1296, Askan,
Marcaim, Ponda-Goa.
- 16) SHRI DNYANESHWAR
HARISHCHANDRA NAIK,
Son of Harishchandra A. Naik,
Age 52 years, married, Service,
Resident of H.No.646, Karanjai,
Marcaim, Ponda-Goa.
- 17) SHRI KEDARNATH SHIVA
JALMI,
Son of Shiva K. Jalmi,
Age 35 years, married, business,
Resident of H.No.1223, Aksan,
Marcaim, Ponda-Goa.
- 18) SHRI VINOD KASHINATH
NAIK,
Son of Krishnath Naik,
Age 39 years, married, business,

Resident of H.No.775, Parampai,
Marcaim, Ponda-Goa.

- 19) SHRI SANDEEP SURYAKANT
NAIK,
Son of Suryakant P. Naik,
Age 33 years, married, business,
Resident of H.No.440, Mahalwada,
Marcaim, Ponda-Goa.
- 20) SHRI PARESH KIRA TARI,
Son of Kira B. Tari,
Age 31 years, unmarried, business,
Resident of H.No.1130, Adanwada,
Marcaim, Ponda-Goa.
- 21) SHRI HEMANT VASANT KALE,
Son of late Vasant H. Kale,
Age 61 years, married, retired,
Resident of H.No.20, Dutolem,
Marcaim, Ponda-Goa.
- 22) SHRI DIPU USHNO NAIK,
Son of late Ushno Naik,
Age 43 years, married,
Resident of H.No.696, Parampai,
Marcaim, Ponda-Goa.
- 23) SHRI ASHWINKUMAR NAIK,
Son of late Gokuldas Shrivram Naik,
Age 25 years, Service, unmarried,
Resident of H.No.331/0, Uzro,
Raia, Salcete, Goa.
- 24) GOVERNMENT OF GOA,
Through Revenue Secretary,
Government of Goa,
Office of Secretariat, Porvorim,
Bardez, Goa.

- 25) THE ADMINISTRATOR,
Administrator of Mazanias of Ponda
Taluka, Ponda Goa.
- 26) GOVERNMENT OF GOA,
Through Chief Secretary,
Office at Secretariat,
Porvorim, Bardez, Goa.

Mr. Preetam Talaulikar, Advocate for the Appellant.

Mr. J. P. Supekar, Advocate for the Respondents No. 1 to 23.

Coram : M. S. SONAK, J.
Date : 25th September, 2020

ORAL JUDGMENT:

Heard Mr. Preetam Talaulikar, learned Counsel for the appellants. Mr. J. P. Supekar, appears for the respondents No. 1 to 23.

2. Mr. Talaulikar points out that there is yet another appeal from order No.28 of 2017, in which, as well the challenge is to the impugned order in this appeal. He submits that since the appellants in the present matter are also appellants to the said appeal, the appeal from order may also be taken up alongwith this appeal from order. Accordingly, appeal from order No.28 of 2017, which is not on board, is taken up on board in view of the request of the learned Counsel for the appellants, Mr. Talaulikar.

3. The challenge in this appeal is to the impugned order dated 20.04.2016 by which the appellants, were restrained from dismantling, changing, substituting the idol of Devi Navadurga from the temple of Shree Navadurga of Madkai.

4. From the date of the order, there is no interim relief in favour of the appellants herein. Besides, Mr. Talaulikar points out that by now the time for dismantling, changing or substituting the idol of the deity has also gone by. Mr. Supekar points out that even the suit is at an advance stage.

5. Considering the aforesaid circumstances, there is really no case made out at this stage to grant any relief in these appeals from order. Except, it is necessary to point out that the suit will have to be disposed of on its own merits and in accordance with law without being influenced by any observations in the impugned order.

6. Therefore, clarifying as aforesaid, both these appeals are disposed off.

7. Mr. Talaulikar points out that there are some settlement talks in progress between the parties. If that be so, such settlement talks can as well proceed during the pendency of the suit. In fact, in these kind of matters, a settlement is a much better alternative than

litigation.

8. The two appeals are accordingly disposed off in the aforesaid terms.

9. There shall be no order as to costs.

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

M. S. SONAK, J.

msr.