

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 64 OF 2015

Mazania of Temple of Shri Navdurga
Saunthan of Makai,
Having its office at Shri
Navdurga Agarshala, Madkai,
Ponda Taluka, Goa through
Its Regular attorney Shri
Ulhas alias Santosh Bhagwat
Kamat, Residing at Dhavali,
Ponda-Goa.

...Appellant.

Versus

- 1) Shri Prashant Ramchandra Ghaisas,
son of late Ramchandra Govind
Ghaisas, aged about 52 years, married,
Purohit,
- 2) Shri Mahabaleswar Durgadas Ghaisas,
aged about 43 years, married, teacher,
- 3) Shri Makarand Durgadas Ghaisas,
son of Shri Durgadas Ghaisas,
aged about 32 years, married, teacher,
- 4) Shri Anand Ramchandra Ghaisas,
son of late Ramchandra Govind
Ghaisas, aged about 63 years, married,
Tabla teacher,
- 5) Shri Madhu Ramchandra Ghaisas,
son of late Ramchandra Govind
Ghaisas, aged about 55 years, married,
private service,

- 6). Shri Milind Govind Ghaisas,
son of late Govind Ramchandra
Ghaisas, aged about 36 years, married,
service,
- 7) Shri Suraj Sadashiv Ghaisas,
son of late Sadashiv Ramchandra
Ghaisas, aged about 32 years, service,
- 8) Shri Aditya Laxman Ghaisas,
son of late Laxman Ramchandra
Ghaisas, aged about 30 years, P.W.D.
Contractor, and
- 9) Shri Gaurav Laxman Ghaisas,
son of late Laxman Ramchandra
Ghaisas, aged about 23 years,
- 10) Shri Durgadas Govind Ghaisas,
son of late Govind Ghaisas, Major,

All above are residing at H.no.1141, ward
Dutolem, Madkai, Ponda Taluka, Goa.

.... Respondents.

Mr. Preetam Talaulikar, Advocate for the Appellant.

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

ORAL JUDGMENT:

Mr. Talaulikar, learned Counsel for the appellants points out that the Civil Suit No.28/2008, in which the impugned order dated 07.11.2015 was made, has since been dismissed for non-

prosecution. He points out that the original plaintiffs, i.e. some of the respondents herein, have taken out an application for restoration. However, he points out that in view of the dismissal of the application, this appeal is rendered infructuous. He, therefore, prays leave to revive this appeal from order in case the suit is restored.

2. Mr. Talaulikar is quite right in his submission that technically this appeal from order is rendered infructuous. However, the records indicate that if the suit is ultimately restored, the same, has reached, at an advanced stage. In such a situation, the status quo which was still prevailing on account of the impugned order may as well continue. However, the learned trial court, whilst deciding the suit on its merit should not be influenced by any of the observations in the said order or the observations now made.

3. From the perusal of the impugned order, it appears the trial court, whilst protecting the appellants, as far as the governance of the temple is concerned, has also granted some limited protection to the Pujaris and Purohits from carrying out the function of distribution of Tirth Prasad and collecting the offerings in the tat (plate) and from taking the kaul prasad from the deity.

4. Accordingly, this appeal is disposed of. If at all, the appellants deem it appropriate to apply for restoration of this appeal,

consequent upon the restoration of the suit, such application will be considered on its own merits and in accordance with law, particularly, now that there was no interim relief on the impugned order in this appeal right from the year 2015.

5. This appeal is accordingly, disposed of in the aforesaid terms.

M. S. SONAK, J.

msr.