

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 73 OF 2016

JOHN VINCENT FERNANDES AND ANR., ... Appellants

Versus

VICTOR LOUDORICUS D'SOUZA AND 4
ORS., ... Respondents

Mr. Nigel Da Costa Frias and Mr. B. Pacheco, Advocates for the
Appellants.

Mr. Guru Shiroadkar, Advocate for Respondents No.1, 2 & 5.

Coram:- M. S. SONAK, J.

Date:- 1st October, 2020

P.C.:

Heard Mr. Nigel Da Costa Frias and Mr. B. Pacheco for the
Appellants and Mr. Guru Shiroadkar for Respondents No.2 & 5.

2. The challenge in this appeal is to the order dated 04.11.2016
by which the learned Trial Judge rejected the appellants'
(plaintiffs') application for interim reliefs.

3. By order dated 13.12.2016 this Court directed the parties to
maintain status quo until further orders. There is no dispute that
this status quo is in operation till today.

4. Mr. Shiroadkar who appears for respondents no.1, 2 and 5

points out that the respondents have already completed the construction and are residing therein. He however points out that in view of the status quo, no further construction is carried out and that there is no intention to create any third party rights for disposing of the suit property or any portion thereof. Mr. Costa Frias disputes the position pointed out by Mr. Shirodkar.

5. At this stage, it is really not necessary to enter into the dispute which is now sought to be raised. The fact remains that from 13.12.2016 onwards there is a status quo order in operation and therefore, this appeal can be disposed of by directing the parties to maintain status quo until the disposal of the suit itself.

6. Further, the learned Trial Judge is directed to dispose of the main suit bearing Special Civil Suit No.96/2015/B pending before the Civil Judge, Senior Division at Mapusa as expeditiously as possible and in any case within a period of 8 months from today. In disposing of the suit the learned Trial Judge may not be influenced by any observations made in the impugned order or the orders of this Court granting or continuing the status quo. The suit will have to be disposed of on the basis of the evidence, on its own merits and in accordance with law.

7. The learned counsel point out that there is an application for amendment/ impleadment of parties as also there is an

application under Order VII Rule 11 of the Code of Civil Procedure which is pending. The learned Trial Court should endeavor to dispose of these applications as well, as expeditiously as possible.

8. The learned counsel for the parties assure this Court that they will cooperate with the learned Trial Judge for the disposal of this matter as expeditiously as possible and not seek unnecessary adjournments.

9. The appeal is accordingly disposed of in the aforesaid terms. However, there shall be no order as to costs.

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

M. S. SONAK, J.