

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.25 OF 2018

1. The State of Goa, through
Chief Secretary, Secretariat,
Porvorim, Goa

2. Assistant Engineer IV,
Office of the Assistant Engineer,
Sub-Division IV/W.E. III PHE,
PWD, Daag, Ponda-Goa.

... Appellants

Versus

Gopalkrishna Shantaram Borkar
son of Shantaram Borkar,
age 51 years, married, service,
r/o. H.No.116, Ward No.2,
Khajordem, Borim, Ponda-Goa.

... Respondent

Ms. Amira Razaq, Government Advocate for the State.
None for the Respondent.

Coram:- M. S. SONAK, J.

Date:- 16th October, 2020

P. C.:

Heard Ms. Amira Razaq, learned Government Advocate for the State. None appeared for the Respondent.

2. The challenge in this appeal is to the order dated 16.08.2017 by which the learned Trial Judge has granted temporary injunction in

favour of the respondent (original plaintiff) and restrained the appellants from laying down water connection pipeline through what the respondent claims to be his property.

3. The Civil Suit was filed in the year 2015 and the impugned order was made on 16.08.2017. In the present appeal, there was no interim relief operating in favour of the appellants and as a result, till date, the injunction is in operation.

4. According to me, interest of justice will be met if, the proceedings in Civil Suit No.48 of 2015 are directed to be disposed of as expeditiously as possible. This is because once, there is clarity, it will be appropriate that either the pipeline is laid as proposed or some alternatives are found.

5. Therefore, without interfering with the impugned order at this stage, the learned Trial Judge is directed to dispose of the Civil Suit No.48 of 2015 as expeditiously as possible and in any case within a period of nine months from the date, the appellants produce an authenticated copy of this order before the learned Trial Judge. In disposing of the Suit, however, the learned Trial Judge, need not be influenced by any of the observations in the impugned order dated 16.08.2017 or the fact that at this point of time, this Court, may have not interfered with the impugned order. The Suit will have to be

decided on the basis of the evidence which the parties lead and on its own merits and in accordance with law.

6. The parties to cooperate with the learned Trial Judge in the matter of expeditious disposal of the suit. No unnecessary adjournments should be applied for, in particular, by the respondent-plaintiff, since, the interim order is now operating in favour of the respondent-plaintiff. Besides, this is a matter where, the appellant State, wishes to lay a water pipeline. All these factors justify expeditious disposal of the Suit.

7. This appeal is disposed of in the aforesaid terms. There shall be no order as to costs.

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

M. S. SONAK, J.