

IN THE HIGH COURT OF BOMBAY AT GOA**APPEAL FROM ORDER NO.51 OF 2018**

1. Mrs. Jayashri Nanasahab Rajebhosale
alias Bimabai Rauji Rane,
wife of Shri Nanasahab R. Rajebhosale,
76 years of age, r/o “Krashikesh”, Plot No. 114,
PDA Colony, Alto Porvorim, Bardez – Goa.
Represented by her duly
Constituted power of attorney holder
Shri Vikramsinh Nanasaheb Rajebhosale,
Major of age, r/o PDA Colony, Alto Porvorim,
Bardez – Goa. 403 521.

2. Smt. Priyvaranda Prataprao Jadhav alias
Crishnabai Rauji Rane,
w/o late Prataprao Y. Jadhav,
74 years of age, r/o Plot No. 1,
Near R. K. Nagar Society No. 1,
Kolhapur, Maharashtra.

..... Appellants

Versus

1. State of Goa,
Through Chief Secretary,
Secretariat,
Goa Legislative Assembly Complex,
Porvorim, Bardez Goa 403 521.

2. The Director of Panchayats,
Office of Director of Panchayats,
Junta House, Panaji,
Tiswadi - Goa.

3. Assistant Accounts Officer,
Office of Director of Panchayats,
Junta House, Panaji, Tiswadi – Goa.

4. Block Development Officer,
Office of Block Development Officer,
Bicholim – Goa.

5. Village Panchayat of Ona-
Maulinguem-Kurchirem,
Though Secretary
Maulinguem (N),
Bicholim – Goa.

6. Mr. Dayanand Sawant,
Major of age, PWD Contractor,
Karapur Sarwan,
Bicholim – Goa.

... Respondents

Mr. A. D. Bhobe, Advocate for the appellants.

Ms. S. Linhares, Additional Government Advocate for respondents
no.1 to 4.

Mr. D. Gaonkar, Advocate for Respondent No.5.

Coram:- M. S. SONAK, J.

Date:- 16th October, 2020

P. C.:

Heard Mr. A. D. Bhobe for the appellants, Ms. S. Linhares,
Additional Government Advocate for respondents no.1 to 4 and Mr.
D. Gaonkar for Respondent No.5.

2. The challenge in this appeal is to the order dated 21.11.2018
made by the learned Trial Judge in Civil Suit No.50 of 2016 dismissing
the appellants' (plaintiffs') application for temporary injunction

restraining respondent no.5-Panchayat from proceeding with the construction of a panchayat building in what the appellant claims to be her property.

3. The record indicates that prior to the making of the impugned order, the learned Trial Judge, had directed the parties to maintain status quo by way of ad interim relief. Thereafter, by order dated 21.12.2018, this Court, continued the status quo order till the next date. Ultimately, by order dated 15.02.2019 this appeal was admitted and ad interim order was directed to once again continue till the next date. Finally,, by order dated 28.08.2019, this ad interim relief was directed to operate as interim relief during the pendency of the appeal. Even the hearing of the appeal was expedited.

4. The aforesaid means that from the year 2016 onwards, there is an interim relief which is in operation. At this stage, rather than go into the issue whether the same should operate pending the disposal of the suit, the interest of justice will be satisfied if the suit itself is directed to be disposed of expeditiously. Such an order, will also be in the interest of respondent no.5-Panchayat. If respondent no.5 Panchayat were to construct a building on the basis of the interim relief order, and thereafter, if the suit was decreed in favour of the appellants, again, serious issue would arise. Therefore, it is only appropriate that the suit itself is ordered to be expedited.

5. Mr. Gaonkar points out that the construction of the panchayat building is to serve the interest of almost three villages. He points out that in fact there are settlement talks on between the parties and it is very likely that some settlement is arrived at. According to me, it will be in the interest of all parties if some settlement is arrived at in the matter of this nature. However, that may not be a reason enough to keep this appeal pending.

6. Accordingly, this appeal is disposed of with the direction that the ad interim relief which is till today in operation, will continue to operate, till the disposal of the suit. The suit, however, is directed to be disposed of as expeditiously as possible and in any case within a period of maximum one year from the date the parties file an authenticated copy of this order before the learned Trial Judge.

7. It is made clear that the parties should cooperate with the learned Trial Judge in the matter of expeditious disposal of the Suit. Particularly the appellants-plaintiffs should not seek any unnecessary adjournments, merely because, the interim relief is to operate until the disposal of the suit.

8. Mr. Bhobe, the learned counsel for the appellants, assures this Court that no unnecessary adjournments will be sought in this matter.

9. Further, the learned Trial Judge, whilst disposing of the Suit, need not be influenced by any of the observations in the impugned order or for that matter continuance of the interim relief by this Court. The Suit will have to be decided on its own merits and in accordance with law.

10. Before I part, I must record that it will be in the interest of justice if the parties can arrive at some settlement, particularly because, the issue concerns construction of a panchayat house which is to serve almost three villages.

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

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

M. S. SONAK, J.

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