

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL FROM ORDER NO. 2 OF 2022**

FLORY DESA AND 2 ORS APPELLANTS.

Versus

CEASAR DESA AND 16 ORSRESPONDENTS.

Mr. S.G. Desai, Senior Advocate with Mr. Tejas Rane,
Advocate for the Appellants.

Mr. Nigel Da Costa Frias, with Mr. G. Malik, Advocates
for Respondents No. 1 and 2.

Mr. A. D. Bhobe, with Ms. S. Shaikh, Advocates *for the*
Respondent No.3.

Mr. Parikshit Sawant, Advocate *for Respondents No.*
5,6,7,8,9,11,12,15 , 16 and 17.

CORAM : M. S. SONAK, J.

DATE : 9th JUNE 2022

ORAL ORDER :-

1. Heard Mr. S.G. Desai, learned Senior Advocate who appears along with Mr. Tejas Rane for the Appellants, Mr. Nigel Costa Frias for Respondents No. 1 and 2, Mr. A.D. Bhobe for Respondent No.3 and Mr. P. Sawant for Respondents No. 5,6,7,8,9,11,12,15 , 16 and 17.

2. The challenge in this Appeal is to the order dated 26th October, 2021, by which the learned Trial Judge has rejected the Appellants/Plaintiffs' application for temporary injunction.

3. In the impugned order, however, the learned Trial Judge has recorded a statement made on behalf of the Defendant No.3 that the said Defendant has no intention to sell the suit property to any one. This means that until disposal of the suit, the Appellants are protected to the extent that the Defendant No.3 is disabled from selling the suit property.

4. The Appellants had applied for temporary injunction to even restrain the Defendant No.3 from undertaking any activities in the suit property, including operating the same as a hotel. There was no ad interim order favouring the Appellants. Even if this Appeal is admitted, the same will not serve the interests of the Appellants.

5. Mr. Desai, learned Senior Advocate therefore submits that the interests of justice will be met if directions are issued to the learned Trial Judge to dispose of Special Civil Suit No.87/2020/C/A, expeditiously, so that the Appellants will know where they stand in the matter. He points out that issues have

already been framed in the suit and the matter is now posted for evidence.

6. The learned Counsel for the parties assure this Court they they will cooperate with the learned Trial Judge in the matter of expeditious disposal of the suit.

7. Accordingly, this Appeal is now disposed of by directing the learned Trial Judge to dispose of Special Civil Suit No.87/2020/C/A as expeditiously as possible and preferably within one year from the date parties file an authenticated copy of this order before it.

8. The matter is now posted on 8th July, 2022 before the Trial Court and the parties are at liberty to file an authenticated copy of this order on the said date. The Trial Court to endeavour to dispose of the suit within one year from the said date.

9. Parties and their Advocates to cooperate with the learned Trial Judge by not asking any unnecessary adjournments in the matter.

10. The Appeal is disposed of in the aforesaid terms. There shall be no order for costs.

M.S. SONAK, J.