

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
APPEAL FROM ORDER NO.11 OF 2017
WITH
MISC. CIVIL APPLICATION NO. 878 OF 2017**

FRANCISCO XAVIER MIRANDA.,Appellant.
VS
MANNEKBEN S. TANDEL AND 7 ORS.,Respondents.

Mr. D. Lawande and Mr. G. Nadkarni, Advocates for the appellant.
Mr. S. S. Kantak, Senior Advocate with Mr. A. Gosavi and Ms. N. Kholkar and Mr. G. Naik, Advocates for the respondents no.1 to 7.

**CORAM: G. S. KULKARNI, J.
DATE: 6 DECEMBER 2022.**

P.C.:

1. This Appeal from Order is filed against an order dated 31 December 2016 passed by the learned Civil Judge, Senior Division Mapusa, whereby an application for temporary injunction as filed on behalf of the appellant/plaintiff came to be rejected.

2. The appeal was admitted by an order passed on 5 April 2018 by a Coordinate Bench of this Court, however, no interim relief was granted. This position has continued for a period of six years, as also observed by this Court in its order dated 1 December 2022 . It is informed by Mr. Kantak, learned Senior Counsel that respondent nos.1

to 7 that before the trial Court recording of plaintiff's evidence is in progress. The suit is of the year 2016.

3. In the facts and circumstances of the case, in my opinion, it would be appropriate that the suit itself is decided as expeditiously as possible and more particularly, considering the fact that for the last five years the appeal is pending without any interim order and such status continues to operate even till date. In such circumstances, Appeal from Order is disposed of with a direction to the trial Court to adjudicate the pending suit as expeditiously as possible and in any event, within a period of one year from the date the present order is placed before the trial Court. Parties shall co-operate in the early disposal of the pending suit. All contentions of the parties on the merits of the pending suit are expressly kept open.

4. Appeal stands disposed of in the above terms. No costs.

5. Misc. Civil Application No.878 of 2017, also does not survives and accordingly stands disposed of. No cost.

G. S. KULKARNI,J.