

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
APPEAL FROM ORDER NO.11 OF 2010
WITH
MISC. CIVIL APPLICATION NOS.913 OF 2017 & 914 OF 2017**

MRS. MARIA SANTANA MASCARENHAS
AND 3 ORS.Appellants.
VS
MR. CAMILO CARDOZO AND 9 ORS.Respondents.

Mr. V. A. Lawande and Mr. P. Redkar, Advocate for the appellants.
Mr. P. Kamat, Advocate for the respondent nos.1, 2, 5,6, 7 and 8.

**CORAM: G. S. KULKARNI, J.
DATE: 14 DECEMBER 2022.**

P.C.:

1. Heard learned Counsel for the appellants.
2. This appeal from order is directed against an order dated 11 November 2009.
3. By the impugned order an application for temporary injunction below Exh.3-D and 25-D was dismissed by the learned Civil Judge, Senior Division, “A” Court, Ponda in terms of the following order:-

“In the result, the application for temporary injunction at exhibit 3/D and 25/D stand dismissed. However, all the parties shall maintain status quo in respect of the suit property and shall not cut or fell

trees or take wood from the suit property or carry out any transaction with respect to the suit property by way of sale, transfer, exchange or alienation or do any act of the nature which shall prejudice the rights of the plaintiffs or the defendants to the suit property, till the final disposal of the suit.

In the circumstances, the parties shall bear their respective costs.

Order accordingly.”

4. This appeal was filed on 11 February 2010. On perusal of the record, it appears that no interim protection was granted to the impugned order. In the meantime, a suit has proceeded. Suit itself is of the year 2008. The evidence of the parties is being recorded by the learned Trial Judge. In my opinion, in the aforesaid circumstances, it would be appropriate that the suit itself be decided as expeditiously as possible.

5. The impugned order has continued to operate almost for a period of 13 years. Thus, it would be appropriate that the said order continues till the final disposal of the suit. It is, however, clarified that all the contentions of the parties on the merits of the suit are expressly kept open and the suit shall be decided without being influenced by the findings recorded by this Court while disposing the appeal.

6. Appellants are permitted to move an application for early

disposal of the suit and, if such, an application is filed, the same shall be considered as the suit itself is of the year 2008.

7. Appeal is accordingly disposed of in the above terms. No costs.

8. Misc. Civil Applications No.913 of 2017 and 914 of 2017 would also not survive and are accordingly disposed of. No cost.

G. S. KULKARNI,J.

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