

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL FROM ORDER NO. 46 OF 2018
WITH
CIVIL APPLICATION NO. 212 OF 2018

Satyawan Dhakto Naik (deleted) and 98 Ors. ... Appellants

Versus

Saji Yeshwant Kamat & 4 Ors. ... Respondents

Ms. V. Mendonsa, Advocate holding for **Mr. C. Padgaonkar,**
Advocate for the Petitioner.

Mr. Ravi Gawas, Advocate for the Respondent nos. 1 and 2.

CORAM: G. S. KULKARNI, J
DATED: 6th DECEMBER, 2022

ORAL ORDER

1. This Appeal from Order assails an order dated 17 January, 2018, passed by the learned Senior Civil Judge 'A' Court, Bicholim, whereby an application as filed by the respondent-plaintiff for a temporary injunction has been allowed in the following terms :

ORDER

Parties to maintain status quo over suit property until further orders. The defendants 1(a) to 103 not to alienate suit property or change the nature of it, by raising any new construction or addition to already existing constructions from the date of this order.”

2. This appeal was filed on 17 April, 2018 and is pending admission since then. From some of the orders passed by this Court it appears that the parties were exploring possibility of a settlement. On 1 December, 2022, when these old proceedings were listed before this Court, the following order came to be passed, as none appeared for the parties :

“Being an old proceeding, the Office was directed to place this proceeding for directions so as to find out whether anything survives in the proceedings and/or for appropriate orders to be passed.

2. None for the parties. As a matter of last chance to the parties to appear in the above proceedings, stand over to 6 December, 2022, high on board.”

It is on such backdrop, that the proceedings are listed before the Court today.

3. From a perusal of the record it clearly appears that the impugned order dated 17 January, 2018, has continued to operate till date. There was no interim stay as granted to the impugned order in the present proceedings, in the meantime, the suit has also progressed. It is informed that the plaintiff's witness no.2 is being examined. The suit itself is of the year 2014 (Special Civil Suit No, 14/2014/A).

4. In the above circumstances, in my opinion, it would be appropriate and in the interest of the parties, that the Special Civil Suit itself be adjudicated and disposed of as expeditiously as possible. The parties are at liberty to request the learned Trial Judge to expedite the hearing of the suit.

5. In the meantime as the impugned order has operated for almost more than four years, it shall continue to operate till the final disposal of the suit. Needless to observe that the appellants would certainly have liberty as may be permissible in law to make an application for vacating/modification of the said order, if the situation so warrants. If any such application is filed, the same be decided on its own merits after considering the rival contentions.

6. The Appeal from Order is accordingly disposed of in the above terms.

7. All contentions of the parties in the pending suit are expressly kept open.

8. The learned Trial Judge shall make an endeavor to dispose of the suit at the earliest and within a period of 18 months from today.

9. The parties are also directed to co-operate in the expeditious disposal of the suit.

10. Disposed of. No costs.

11. Civil application no. 212 of 2018 stands disposed of.

G. S. KULKARNI, J

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