

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.44/2022

IN

SECOND APPEAL NO.35/2022

SAIDA BAI, THR. POA
BASHIR AHMED SHAIKH
KASIM AND 2 ORS.

... APPLICANTS

Versus

ANWAR JAMAL SHAIKH
AND 18 ORS.

... RESPONDENTS

Mr. Nigel da Costa Frias with Ms. B. Andrade and Ms. S. Nishad,
Advocates *for the Applicants*.

Mr. S. D. Lotlikar, Senior Advocate with Ms. S. Kenny, Advocate
for Respondents No.1 to 8.

Mr. Jatin Ramaiya, Advocate *for Respondent No.14*.

CORAM: M. S. SONAK, J.

DATED: 23rd September 2022

P.C.:

1. The record bears out that neither before the Trial Court nor the First Appellate Court the appellants had any temporary injunction in their favour. Now that the plaint came to be rejected by the Trial Court and such rejection was upheld by the First Appellate Court, no case is made out for grant of any injunction at this stage.

2. Besides, Mr. Lotlikar, learned Senior Advocate for the contesting respondents points out that the suit in this case was

held to be barred by limitation. He points out that in the meanwhile a six storeyed building has already been constructed. Mr. Costa Frias states that the construction is in progress and only a couple of floors are already constructed. All these are sufficient reasons to decline any interim relief in this appeal. However, it is clarified that the actions of the respondents will be subject to the final orders in this appeal and they will not claim any equities in the matter.

3. The Civil Application No.44/2022 is disposed of.

4. The hearing of the appeal is expedited.

5. Now that the appeal is admitted, before the same is taken up for final hearing, it would be appropriate for the parties to make an attempt to settle the matter through mediation. Accordingly, with the consent of the learned counsel for the parties, Mr. Ashwin Bhobe is appointed as Mediator. Mr. Bhobe, who is present in the Court, accepts to mediate in the matter.

6. Accordingly, mediation report to be filed within three months from today.

M. S. SONAK, J.

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