

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL FROM ORDER NO.57/2019
WITH
CIVIL APPLICATION NO.194/2019**

DILIP BORKAR.

...APPELLANT

Versus

GENERAL ADMINISTRATION
DEPARTMENT, GOVT. OF GOA, THR.
ITS UNDER SECRETARY (GA-II) AND
ANR.

...RESPONDENTS

Mr. P. Redkar, Advocate for the Appellant.

**Mr. P. Faldessai, Additional Government Advocate for the
Respondent No.2.**

CORAM: M. S. SONAK, J.

DATED: 17th January 2022

P.C.:

1. Heard Mr. P. Redkar for the appellant and Mr. P. Faldessai, Additional Government Advocate for the respondent State.

2. This appeal challenges the order by which the appellant has been denied interim relief. The denial to the interim relief would mean that the respondents would be at

liberty to evict the appellant from the suit premises pending the disposal of the suit.

3. Having regard to the aforesaid consequences, this Court, on 20.10.2021 made the following order:

“1. There is a compilation of additional documents handed over by the learned counsel appearing for the appellant. The same is taken on record.

2. This Court is informed that the suit itself can be disposed of at an early date, considering that the evidence of the defendants is being recorded.

3. List this appeal for further consideration in the third week of January 2022.

4. Considering the stage of the proceedings before the Court below, it is directed that the suit bearing no. Civil Suit No.20 of 2013 shall be taken up for disposal expeditiously and that effort shall be made by the concerned Court to dispose of the suit itself by 31/12/2021.

5. In the meanwhile, and till the listing of this appeal, the parties are directed to maintain status quo as of today.”

4. Today, it is pointed out by Mr. Redkar that the appellant's evidence has already concluded and the matter is posted for defence evidence. Mr. Faldessai points out that on last

three occasions the appellant refused to proceed with the cross-examination. Mr. Redkar submits that this is not correct and it is only on one occasion that adjournment was applied for on account of certain health issues concerning the advocate for the appellant. At this stage, it is not necessary to go into the aforesaid controversy. Suffice to note that the appellant will have to cooperate with the Court in the matter of expeditious disposal of the suit. This is because the appellant is the beneficiary of the *status quo* order. Therefore, the appellant should not delay the suit. Mr. Redkar, learned counsel for the appellant assures this Court that the appellant has not delayed the suit and will also not delay the suit but rather, the appellant and his advocate will cooperate with the Trial Court in the matter of expeditious disposal of the suit.

5. The Trial Court is now directed to dispose of the suit latest by 31.03.2022. *Status quo* as of today will operate until the said date or till such date as the suit is actually disposed of which in any case will not be beyond 31.03.2022. Nothing in this order will prevent the Trial Court, for genuine reasons, to seek some reasonable extension for disposal of suit, having regard to the pandemic.

6. The appellant will have to cooperate in the matter of expeditious disposal of the suit and not seek any unnecessary adjournments.

7. The appeal is disposed of in the aforesaid terms by clarifying that the suit will have to be disposed of on its own merits and in accord with law without the Trial Court being influenced by the observations in the impugned order or for that matter the *status quo* now granted by this Court in the present appeal.

8. All contentions of all parties are expressly kept open for determination by the learned Trial Court.

9. The appeal is disposed of in the aforesaid terms without any order for costs.

10. Miscellaneous Application, if any, does not survive and the same is also disposed of.

M. S. SONAK, J.