

*Esha*

**IN THE HIGH COURT OF BOMBAY AT GOA**

**APPEAL FROM ORDER NO. 10 OF 2016**

MARY D'SOUZA AND 4 ORS., ... APPELLANT  
VS  
PAL AGRO INFRATCH PVT. LTD.,  
REPRESENTED BY ITS MANAGING  
DIRECTOR, JAGAT PAL PALIWAL & ANR ... RESPONDENTS

\*\*\*\*\*

Mr. Arjun F. Naik, Advocate for the Appellant.

**CORAM: G.S. KULKARNI, J.**

**DATED: 6 DECEMBER 2022**

**P.C.:**

1. This Appeal From Order has been filed against an order dated 15 July 2015 passed by the learned Adhoc Senior Civil Judge, 'A' Court, Bicholim, whereby an application filed by the respondents/plaintiffs has been allowed by the following order:-

*"The application for injunction is granted, to the extent that the defendants are restrained from selling, alienating, mortgaging, parting or transferring the suit property to any third person or creating any third party right of any nature in the suit property, until further orders."*

2. This Appeal was filed on 14 August 2015. Notice in the Appeal was issued by an order dated 22 April 2016. The office notice to the respondents was forwarded through the Administrative Civil Judge, Civil Court, New Delhi. Nonetheless, in the meantime, the appellant was directed to take fresh steps. It is seen from the record that thereafter, on 18 September 2017, the co-ordinate Bench of this Court (Prithviraj K. Chavan, J.) passed the following order:-

*“Heard.*

*2. Admit. Hearing expedited.*

*3. Interim stay to the impugned order till the disposal of the appeal.”*

3. On the above backdrop, the Appeal is pending.

4. It is informed by Mr. Naik, learned Counsel for the appellant that the respondents are well aware of the said order dated 18 September 2017 passed by this Court as also, the present pending proceedings, as the respondents are represented in the Trial Court. It is submitted that the suit is at the stage of recording evidence and the respondents have filed an application for recalling of the plaintiff's witness no. 1.

5. The impugned order is stayed by this Court by an order dated 18 September 2017. Since then, till date i.e. for almost five years, the stay has continued to operate, while the trial of the suit is in progress. In my opinion, in these circumstances, it would be appropriate that the suit itself is taken up for hearing and disposed of as expeditiously as possible.

6. All contentions of the parties on the merits of the pending suit are expressly kept open.

7. Interim stay granted by this Court vide order dated 18 September 2017 shall continue to operate till the final disposal of the suit.

8. It is clarified that in the event, the respondents are aggrieved by the interim protection granted by this Court vide order dated 18 September 2017, in that event, they would be at liberty to apply for vacating the same by making an application and in that case, the appellant will also be at liberty to apply for reviving of the present Appeal from Order.

9. Disposed of in the above terms. No costs.

**G.S. KULKARNI, J.**