

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

APPEAL FROM ORDER NO.41 OF 2017

WITH

CIVIL APPLICATION NO.232 OF 2017 & STAMP

APPLICATION NO. 991 OF 2019

LOURENCE VICTORINO FERNANDES @

LAWRENCE FERNANDES AND ANR.,Appellants.

VS

PASCOAL FERNANDES AND 10 ORS.,Respondents.

Mr. R. Bras De sa, Advocate for the appellants.

Mr. A. Bhobe and Ms. S. Shaikh, Advocate for the respondents.

CORAM: G. S. KULKARNI, J.

DATE: 6 DECEMBER 2022.

P.C.:

1. This appeal was filed assailing an order dated 12 July 2017 passed by the learned Senior Civil Judge, B-Court, Mapusa, whereby an application for temporary injunction as filed on behalf of the appellants/plaintiffs came to be rejected.

2. A perusal of the orders passed in this appeal indicate that there was no interim order passed in the present proceedings. The appeal was admitted by an order passed by the Coordinate Bench of this Court on 17 January 2018. The appeal was pending hearing.

3. In the meantime, as informed by the learned Counsel suit is

pending trial. Evidence of the parties is yet to commence. In the above circumstances, in my opinion, it would be appropriate that the suit itself is decided as expeditiously as possible. Parties are at liberty to make an application before the trial Court to take up the suit for early disposal. Parties shall co-operate in the early disposal of the pending suit.

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

5. Appeal stands disposed of in the above terms.

6. Civil Application no.232 of 2017 and Stamp Application No. 991 of 2019 also does not survive and accordingly disposed of. No cost.

G. S. KULKARNI,J.