

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
APPEAL FROM ORDER NO.12 OF 2012
WITH
MISC. CIVIL APPLICATION NO.833 OF 2012 AND CIVIL
APPLICATION NO. 42 OF 2012.**

SOCIEDADE ZARAPKAR & PARKAR
LTD.,Appellant.
VS
MARZOOK & CADAR PVT. LTD. & 3
ORS.Respondents.

Mr. V. A. Lawande and Mr. P. Redkar, Advocate for the appellant.
Mr. A. D. Bhobe and Mr. D. Tendulkar, Advocate for the respondent
nos.1 and 2.
Ms. S. Linhares, Addl. Govt. Advocate for the respondent no. 4.

**WITH
APPEAL FROM ORDER NO.54 OF 2011
WITH
MISC. CIVIL APPLICATION NO.834 OF 2012 AND CIVIL
APPLICATION NO. 246 OF 2011.**

SOCIEDADE ZARAPKAR & PARKAR
LTD. REP. BY ITS MEMBER SHRI
JAYPRAKASH GAJANAN PARKER,Appellant.
VS
SALGAONKAR ENGINEERS PVT. LTD.
AND 2 ORS.Respondents.

Mr. V. A. Lawande and Mr. P. Redkar, Advocate for the appellant.
Mr. A. D. Bhobe and Mr. D. Tendulkar, Advocate for the respondent
nos.1 and 2.

Ms. S. Linhares, Addl. Govt. Advocate for the respondent no.3

CORAM: G. S. KULKARNI, J.
DATE: 14 DECEMBER 2022.

P.C.:

1. Heard learned Counsel for the appellant.
2. This appeal from order is directed against an order dated 27 May 2011.
3. By the impugned order an application for temporary injunction below Exh.72 was dismissed by the learned Principal District and Sessions Judge, Margao in Civil Suit No.6 of 2010(New) (Special Civil Suit No. 18 of 2007(old) in terms of the following order:-

“In the result and in view of the discussion aforesaid, the application for for temporary injunction stands dismissed.”

4. This appeal was filed on 30 August 2011. On perusal of the record, it appears that no interim protection was granted to the impugned order. In the meantime, a suit has proceeded. Suit itself is of the year 2007. The evidence of the parties is being recorded by the learned Trial Judge. In my opinion, in the aforesaid circumstances, it would be appropriate that the suit itself be decided as expeditiously as

possible.

5. The impugned order has continued to operate almost for a period of 11 years. It is, however, clarified that all the contentions of the parties on the merits of the suit are expressly kept open with liberty to the appellant to file a fresh application considering the contentions as urged by the learned Counsel for the appellant there are subsequent events. If any such application is filed, the same shall be dealt with on its own merits without being influenced by the impugned order dated 27 May 2011. All contentions of the parties on merits of the suit are expressly kept open.

6. Appeals are accordingly disposed of in the above terms. No costs.

7. Civil Applications Nos.42 of 2012 and 246 of 2011, Misc. Civil Application Nos. 833 of 2012 & 834 of 2012 would also not survive and are accordingly disposed of. No cost.

G. S. KULKARNI,J.

VINITA VIKAS NAIK  Digitally signed by VINITA VIKAS
NAIK
Date: 2022.12.21 10:44:04 +05'30'