

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

APPEAL FROM ORDER NO.26 OF 2012

WITH

MISC. CIVIL APPLICATION NO.504 OF 2021-F

TARCAR REAL ESTATE PVT. LTD.,

THROUGH ITS DIRECTOR SANJEEV P.

KAMAT TARCAR AND 2 ORS.,

.....Appellants.

VS

THE MAPUSA URBAN COOPERATIVE

BANK OF GOA LTD AND ANR.,

.....Respondents.

Mr. S. Keny, Advocate for the appellants.

Mr. A. Parrikar, Advocate for the respondent no.1.

Mr. A. Kamat, Advocate for the respondent no.2.

CORAM: G. S. KULKARNI, J.

DATE: 1 DECEMBER 2022.

P.C.:

1. Being an old proceeding, the office was directed to place this proceeding for directions so as to find out whether anything survives in the proceedings and/or for appropriate orders to be passed.
2. This appeal was filed assailing an order dated 17 September 2009 passed by the learned Civil Judge, Senior Division, Panaji Goa, whereby an application for temporary injunction as filed on behalf of the appellants/plaintiffs came to be rejected.
3. 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 25 July 2013, and accordingly is pending for hearing.

4. In the meantime, during the pendency of this appeal the suit has substantially progressed. It is now stated to be at the stage of recording defendants' evidence. As the rejection of the injunction application has taken place about 11 years back, and the said position *inter se* between the parties have continued to operate, in my opinion in the facts and circumstances of the case, no fruitful purpose would be achieved in keeping this appeal pending.

5. In these circumstances, it would be thus appropriate and in the interest of justice that parties are permitted to assert their respective contentions in the pending suit. Appeal from the order is accordingly disposed of keeping open all contentions of the parties on the merits of the suit.

6. As the suit is of the year 2009, learned Civil Judge, Senior Division, Panaji, shall expedite the hearing of the suit and make an endeavour to dispose of the suit on or before 30 June 2023.

7. Parties are directed to cooperate in the early disposal of the suit.

8. Needless to observe that the Liquidator of the respondents is already brought on record in the suit.

9. Misc. Civil Application No.504 of 2021-F would also not survive and is accordingly disposed of. No cost.

G. S. KULKARNI,J.

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