

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
APEAL FROM ORDER NO.13 OF 2016

GONESSA XIRPUTO VELIP AND 45 ORS., ...Appellants.

Versus

ASHA SHRIRANG PRABHU DESAI AND
23 ORS., ...Respondent.

Mr J.E. Coelho Pereira, Senior Advocate with Mr B. Fernadnes, Advocate for the Appellants.

Mr C.A. Coutinho, with Mr I. Santimano, Advocates for Respondents No.1 to 4.

Mr R.G. Ramani, Senior Advocate with Mr P. Kakodkar, Advocate for Respondents No.5 and 6.

Ms Annelise Fernandes, Advocate for Respondents No.9, 11 to 20.

CORAM : M. S. SONAK, J.

DATE : 31ST MARCH 2023

ORAL ORDER :

1. Heard the learned Counsel for the parties.
2. The challenge in this Appeal is to the Judgment and Order dated 23/10/2015 by which the Appellants/Plaintiffs' application for temporary injunction came to be dismissed and some of the Defendants were granted an injunction in their counter-claim.
3. Though this Appeal was instituted in the year 2016, there was no interim relief granted. Now the suit is fairly advanced and the Plaintiffs' evidence is already commenced.

4. In any case, at this point of time, and in the peculiar circumstances of the present case, it would not be appropriate to interfere with the impugned order. Instead, the interest of justice would be served if the Special Civil Suit No. 19/2014/A is ordered to be expeditiously disposed of.

5. Accordingly, this Appeal is disposed of by directing the learned Trial Court to dispose of the Special Civil Suit No. 19/2014/A as expeditiously as possible and, in any case, within one year from today. Further, in disposing of the suit on merits, the Trial Court should not be influenced by the impugned Judgment and Order dated 23/10/2015, declining the injunction in the Appellants' favour or granting the injunction in favour of some of the Respondents. In effect, the Trial Court, while finally disposing of the the suit, should not be influenced by any of the interim orders made during the pendency of the suit and the suit will have to be decided on its own merits and in accordance with law.

6. This Appeal is disposed of in the above terms. There shall be no orders for costs.

M. S. SONAK, J.

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