

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.374 OF 2015

POORNIMA KAMU NAIK

....PETITIONER

Versus

GOA COACH, REPRESENTED BY
RENUKA KRISHNA GHASARE &
ANR.

....RESPONDENTS

Mr. A. Naik, Advocate for the Petitioner.

**Mr. Arun Talaulikar, Additional Government Advocate for the
Respondent No.2.**

CORAM: M. S. SONAK, J.

DATE : 3rd FEBRUARY 2023

ORAL ORDER :

1. Heard Mr. Arjun Naik for the petitioner and Mr. Arun Talaulikar, learned Additional Government Advocate for the respondent no.2. Though the respondent no.1 is served, there is no appearance on behalf of respondent no.1.

2. This petition is pending since 2015. There is a status quo order operating since 13.05.2015.

3. Mr. A. Naik points out that, in the meanwhile, shed which was the subject matter before the Civil Court has collapsed. An

application was made by the petitioner for removal of the debris but the same was dismissed because of the status quo order made by this Court in this matter.

4. If the petitioner's case about the demolition of the shed is correct, then, the parties would be entitled to move the Trial Court to seek variation of interim orders based on changed circumstance. There is no necessity to keep this petition pending. Instead, it would be in the interest of justice if the petitioner and respondent no.1 are granted liberty to apply for variation of interim orders or fresh interim orders, as the case may be, based on the changed circumstance. If such applications are made, the Trial Court to consider and dispose of the same on their own merits and in accord with law. While disposing of such application, the Trial Court need not be influenced by any of its earlier interim orders. Similarly, the Trial Court need not be influenced by interim orders granted by the Appeal Court or the present order made by this Court.

5. This petition is disposed of by issuing the above directions. The status quo order granted earlier is however vacated.

6. All concerned to act on the authenticated copy of this order.

M. S. SONAK, J.

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