

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 678 OF 2015
WITH
WRIT PETITION NO. 628 OF 2018**

SANJIV SIMEPURUSKAR.,

... Petitioner

Versus

SHANKAR TANCO KORGAOKAR
(SINCE DECEASED) THROUGH
LRS AND 6 ORS.,

.... Respondents.

Mr Terence Sequeira, Advocate for the Petitioner.

**Mr Akhil Parrikar, Advocate for Respondents No. 1(a) to 1(d)
and 2 to 7.**

CORAM: M. S. SONAK, J.

DATED : 3rd FEBRUARY 2023

ORAL JUDGMENT:-

1. Heard the learned Counsel for the parties. With their consent, the matter is taken up for disposal.
2. In both these Petitions, the Petitioner (original Plaintiff) challenges the orders made by the Trial Court and the Appeal Court, dismissing his application for temporary injunction and granting temporary injunction in favour of the Defendants, who had raised a counter-claim in the suit.

3. Apart from the fact that the two Courts had declined the Petitioner any relief, there was no interim relief granted in this Petition. Therefore, the position that prevails from the date of institution of the suit till date, is that there is no temporary injunction favouring the Petitioner.

4. Evidence in the main suit has commenced. Accordingly, instead of keeping this Petition pending, interest of justice would be met, if the Trial Court is directed to dispose of the main suit as expeditiously as possible and, in any case, within six months from the date the parties file an authenticated copy of this order. The suit will have to be disposed of on its own merits based on the evidence that the parties lead before the Trial Court. Further, the Trial Court should not be influenced by the interim orders or the fact that this Petition is disposed of today without granting any interim orders favouring the Petitioner. All contentions of all parties are left open to be decided by the Trial Court on their own merits and in accord with law.

5. Parties to file an authenticated copy of this order on the next date fixed before the Trial court.

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

7. Petition is disposed of with the above directions. There shall be no order for costs.

8. Misc. Civil Application, if any, are also disposed of.

M. S. SONAK, J.