

Suchitra

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.463/2022**

RAVINDRA MARIA BARROS E  
ANTAO, REP. BY HER DULY  
CONST. ATTORNEY, EUDES  
CRUZ ROQUE ANTAO ... PETITIONER

***Versus***

ANA PRECIOSA FALCAO (SIN.  
DEC.) REP. BY LRS RESP. 2, 3, AND  
4 AND 7 ORS. ... RESPONDENTS

Mr A. D. Bhobe with Ms A. Fernandes, Advocates for the  
Petitioner.

Mr Abhijeet Kamat, Advocate for Respondents No.3 and 4.

Mr J. A. Lobo, Advocate for Respondents No.5 and 6.

**CORAM: M. S. SONAK, J.**

**DATED: 19<sup>th</sup> OCTOBER 2023**

**P.C.:**

1. Heard Mr A. D. Bhobe for the Petitioner, Mr Abhijeet Kamat for Respondents No.3 and 4 and Mr J. A. Lobo for Respondents No.5 and 6.

2. The challenge in this petition is to the orders dated 06.09.2018 and 03.02.2020 made by the Trial Court and the Appeal Court rejecting petitioner's application for temporary injunction to restrain defendants in the suit from using and interfering with the suit property of which the defendants no.3

and 4 claim to be owners and the defendants no.5 and 6 claim right of access.

3. In this case, the concurrent findings of facts have been recorded by the two courts on the aspect of prima facie case and balance of convenience. Besides, it is pointed out that the Suit is at a fairly advance stage where plaintiff's evidence is in progress.

4. Considering the above circumstances, it would not be appropriate to interfere with the impugned orders at this stage. Instead, the interest of justice would be served if the Trial Court is directed to dispose of the Suit finally as expeditiously as possible and in any case, not later than one year from today.

5. Further, the Suit must be disposed of on its own merits and in accordance with law without in any manner being influenced by the prima facie findings or observations made in the impugned orders or for that matter in the present order not interfering with the impugned orders. The Suit must be decided based on the evidence that the parties lead and in accordance with law and on its own merits.

6. Accordingly, this petition is disposed of with the above directions and observations. There shall be no order for costs.

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

**M. S. SONAK, J.**

SUCHITRA  
NANDAN  
SINGBAL



Digitally signed by SUCHITRA  
NANDAN SINGBAL,  
Date: 2023.10.19 13:31:57  
+05'30'