

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.276 OF 2023

SITAKANT RAMCHANDRA POROBA SINARI
AND ANR

... PETITIONER

Versus

MAHESH BHASKAR PRABHU SINARI AND 4
ORS

... RESPONDENTS

Mr. Melwin A. Viegas, Advocate for the Petitioner.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 28th November, 2023

P.C.

1. Heard Mr. Melvin Viegas for the Petitioner.
2. For the Order which I propose to pass, no notice to the respondent is necessary.
3. Mr. Viegas submits that he has moved two applications before the Trial Court and both are kept pending till date. He submits that due to subsequent events in the suit, Petitioner/plaintiff filed amendment application as well as temporary injunction application. However, Trial Court vide its order dated 20.12.2022 observed that unless amendment application is decided, it will not be proper to decide injunction application since injunction application is based on subsequent

development .

4. His grievance is that applications for amendment are pending since past one year. He submits that if some directions are given to the Trial Court to decide the amendment applications as well as the injunction application in a time bound manner, purpose would be served but he submits that due to lapse of time, the application for injunction would be infructuous.

5. Mr. Viegas further submits that at present there is no Presiding Officer in 'B' Court at Panaji. Therefore the matter is adjourned from time to time.

6. Considering the submissions and the fact that two amendment applications are pending along with two temporary injunction applications, the Incharge Court is directed to decide both amendment applications within a period of three months and thereafter to decide the injunction applications as expeditiously as possible.

7. It is made clear that the Trial Court shall give opportunity to both the parties while deciding both the applications i.e. the amendment applications as well temporary injunction applications. The Incharge Court shall take up these applications on priority and decide it as directed above.

8. With these observations, the present petition stands disposed of.
9. It is made clear that this Court has not gone into the merits of the matter including the grounds raised. All contentions of all parties are kept open.
10. Parties shall act on authenticated copy of this Order. The petition stands disposed of accordingly.

BHARAT P. DESHPANDE, J.