

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.669 OF 2017

1. Mr. Vishwambar Gurudas
Kauthankar,
41 years of age, S/o Late Gurudas
Kauthankar, married, service, Indian
National.

2. Mr. Dayanand Jairam Shirodkar,
52 years of age, S/o Late Jairam
Shirodkar Married, business, Indian
National.

3. Mr. Chandrashekhar Gurudas
Kauthankar,
34 years of age, S/o Late Gurudas
Kauthankar, Married, Service, Indian
National and

4. Mr. Rajesh Madhukar Kauthankar,
42 years of age, Son of Madhukar
Kauthankar Married, service, Indian
National, All r/o Ambeval, Zos waddo,
Socorro, Bardez,Goa

..... Petitioners.

Versus

1. Mr. Naresh N. Kauthankar,
51 years of age, S/o Late Narayan
Kauthankar, Service, Married, Indian
National

2. Mr. Suresh N. Kauthankar,
55 years of age, S/o Late Narayan
Kauthankar, Service, married, Indian

National

3. Mr. Digamber N. Kauthankar,
64 years of age, S/o Late Narayan
Kauthankar, Service, married,
Indian National
All R/o Ambewal, Socorro, Bardez-
Goa.

.... Respondents.

Mr J.P. Mulgaonkar, Senior Advocate with Ms Rupa Benalulikar, Advocate for the Petitioner.

Mr Gaurish Agni, Advocate for the Respondents.

CORAM : M. S. SONAK, J.

DATED : 9th FEBRUARY 2023

ORAL JUDGMENT :-

1. Heard Mr J.P. Mulgaonkar, learned Senior Advocate who appears along with Ms Rupa Benaulikar for the Petitioners and Mr Gaurish Agni, learned Counsel for the Respondents. With the consent of the learned Counsel for the parties, the matter is taken up for disposal.

2. The Petitioners are the original Plaintiffs and the Respondents are the original Defendants in Regular Civil Suit No. 129/2015/C. The Trial Court declined temporary injunction to the Plaintiffs and the Appeal Court dismissed the Plaintiffs' Appeal. Hence, this Petition. There is no interim relief obtained

in this Petition. As a result, from the date of the institution of the Suit, the Plaintiffs have no interim relief favouring them. The suit is at an advanced stage, in the sense that the Plaintiffs' evidence has commenced.

3. Accordingly, interest of justice would be better served if directions are issued to the Trial Court to dispose of the Regular Civil Suit No. 129/2015/C as expeditiously as possible and, in any case, within one year from the date of the parties filing an authenticated copy of this order.

4. The learned Counsel for the parties assure this Court that the parties whom they represent, would cooperate with the Trial Court in expeditious disposal of the suit.

5. Accordingly, directions for disposal of the suit within maximum one year, are issued. Further, the Trial Court is directed to dispose of the suit based on the evidence that the parties lead before it, without being influenced by the impugned orders rejecting interim relief to the Plaintiffs. All contentions of all parties, on merits in the suit, are left open and will have to be considered and decided by the Trial Court.

6. With the above directions, this Petition is disposed of.

7. There shall be no order for costs.
8. Misc. Civil Applications, if any in this Petition, are also disposed of.

M. S. SONAK, J.

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