

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.13/2020

IN

SECOND APPEAL NO. 4/2020

**RAGHOBHA TOLIO GAONKAR
AND ANR.**

... APPLICANTS.

Versus

**RAMNATH VISHNU
GAONKAR AND OTHERS.**

... RESPONDENTS

**Mr. Vibhav Rajiv Amonkar, Advocate for the
Applicants.**

**Mr. R.G. Ramani, Senior Advocate with Mr. Pranav
Kakodkar, Advocate for the Respondents No.1,2,4 to 7, 9,
12 to 18.**

CORAM: M. S. SONAK, J.

DATED: 6th January 2023

P.C.:

1. Heard Mr. Amonkar for the Applicants and Mr. R.G. Ramani, learned Senior Advocate who appears along with Mr. Pranav Kakodkar for the Decree-Holders.
2. Appellants are the original Defendants. In the Suit instituted by the Decree-Holders, there was an order of

temporary injunction against the Appellants during the pendency of the Suit. However, ultimately, the Suit was dismissed by the Trial Court holding that the Decree-Holders had failed to prove their ownership and possession in respect of the suit property. The First Appellant Court has, however, reversed the Decree of the Trial Court and decreed the Suit.

3. The record indicates that the Appellants had raised a plea of tenancy during the pendency of the Suit. Accordingly, a reference was made to the Mamlatdar. However, since the reference was not pursued, the same was dismissed for non-prosecution. No further steps were taken by the present Appellants to seek restoration.

4. Therefore, the position as it now stands, is this. The Decree-Holders have Decree in their favour which is, no doubt, subject to the decision in this Appeal. There was a temporary injunction operating against the Appellants during the pendency of the Suit. The Appellants' application for tenancy declaration did not result in any declaration in their favour. Mr. Ramani points out that *ex parte* ad interim orders were obtained in this Appeal during the COVID-19 pandemic.

5. Considering all the above aspects, no case is made out for granting any interim relief. The application for interim relief is

dismissed and the ad interim order granted earlier is, hereby,
vacated.

6. Civil Application stands disposed of.

M. S. SONAK, J.