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IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL FROM ORDER NO.44 OF 2019
WITH
CIVIL APPLICATION NO.151 OF 2019**

APPEAL FROM ORDER NO.44 OF 2019

PURNIMA V. GAUNS DESAI AND ANR., ... APPELLANTS
Versus
SALEEM AHMED., ... RESPONDENT

**WITH
CIVIL APPLICATION NO.151 OF 2019**

PURNIMA V. GAUNS DESAI AND ANR., ... APPLICANT
Versus
SALEEM AHMED., ... RESPONDENT

Mr A.D. Bhobe with Mr V. Desai and Ms Annelise Fernandes,
Advocates for the Appellants.

CORAM:- M. S. SONAK, J.

DATED :- 21st September, 2023

ORAL ORDER :

Heard Mr Bhobe, who appears along with Mr V. Desai for the appellants. Although the respondent is served, there is no appearance on his behalf.

2. The challenge in this appeal is to the order dated 02.05.2019 made by the Trial Court restraining the appellants/defendants from selling or creating any third-party right/lien over the said flats on the second floor of the building.

3. The above injunction is in operation from 02.05.2019. This was a

case of a suit for specific performance concerning the suit flat. The restraint is only on alienation pending the disposal of the suit.

4. Accordingly, the interest of justice would be served if Special Civil Suit No.6/2018/A is directed to be disposed of as expeditiously as possible and, in any case, within one year from the date of the appellants placing an authenticated copy of this order before the Trial Court. The Trial Court is accordingly directed to do so.

5. Further, although the impugned order is not interfered with, it is clarified that the Trial Court should decide the suit on its own merits and based on the evidence that the parties lead, without in any manner, being influenced by any of the observations in the impugned order. The observations are only prima facie and for deciding the issue of interim relief.

6. This appeal is disposed of with the above directions without any order for costs.

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

8. The Civil Application does not survive and is disposed of.

M. S. SONAK, J.

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HALDANKAR

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