

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.761/2017

NARAYAN ANAND CHANEKAR

... PETITIONER

Versus

HEMANT D. MASHELKAR

... RESPONDENT

Ms S. Khadilkar, Advocate for the Petitioner.

Mr Shivan Desai with Ms M Viegas, Advocates for the Respondent.

CORAM: M. S. SONAK, J.

DATED: 23rd March 2023

P.C.:

1. The challenge in this petition was to an interlocutory order dated 10.08.2017 pending disposal of the Regular Civil Suit No.68/2014/C. Now it is pointed out that the Regular Civil Suit No.68/2014/C has been dismissed for non-prosecution. Further, the learned counsel for the parties state that settlement talks are on and there is every possibility that the matter would be amicably settled.

2. Considering the above position, nothing survives in this petition and this petition is required to be disposed of. However,

Ms Khadilkar, learned counsel for the petitioner expresses some apprehensions by pointing out that an application has been made for restoration of the Suit. She submits that should the Suit be restored and no settlement be reached in the Suit, it is possible that the interim relief granted by the Trial Court might revive. She points out that this Court, by its Order dated 23.08.2017 had granted an ad interim stay of the impugned order and the ad interim order was continued as an interim order.

3. Considering the apprehensions expressed, it is clarified that even if the Suit is restored, such restoration would not automatically revive the interim order granted in the Suit. If the plaintiffs in the Suit seek revival of such interim order, then, they will have to make a fresh application and such application will have to be decided by the Trial Court after giving the opportunity of hearing to all the parties.

4. With the above clarification and in the fond hope that a settlement would be ultimately reached, this petition is disposed of.

5. There shall be no order for costs.

M. S. SONAK, J.

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