

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.675 OF 2023

MEERA GUPTA

... PETITIONER

Versus

AMIN SHAIKH

... RESPONDENT

Mr. Y. V. Nadkarni, Advocate with Ms. Simran Khadilkar, Advocate
for the Petitioner.

CORAM:- PRAKASH D. NAIK, J.

DATED :- 18th October, 2023

P.C.

The limited prayer sought in this Petition is to direct the concerned Court to decide the temporary injunction applications preferred by the Petitioner and the Respondent expeditiously.

2. The Respondent has filed Regular Civil Suit No. 209 of 2019 in the Court of Civil Judge, Senior Division at Mapusa. In the said suit, the Respondent filed an application for temporary injunction under Section 37 of the Specific Relief Act, 1963, read with Order 39 Rule 2 of the Code of Civil Procedure, vide Exhibit D-3. The Petitioner had filed counter claim and preferred an application for temporary injunction under Order 39 Rule 1 and 2 of the Code of Civil Procedure, seeking temporary and mandatory injunction directing the Respondent to hand over the vacant possession of the suit premises to the Defendant-Petitioner.

3. The suit was filed by the Respondent seeking protection of his possession till the contract period. The contention of the Petitioner in the counter-claim was that the contract period is over and hence the possession of the premises be handed over to the Petitioner. The grievance of the Petitioner is that the applications referred to herein above are pending since long and considering the nature of relief sought and the issues involved in these proceedings, it would be appropriate to decide the applications expeditiously.

4. Considering the aforesaid circumstances, it would be appropriate to direct the concerned Court to decide both applications filed by the Petitioner and the Respondent for temporary injunction expeditiously.

ORDER

(i) Writ Petition is allowed.

(iii) The Court of Civil Judge Senior Division is directed to decide the temporary injunction applications at Exhibit D-3 and Exhibit D-38 in Regular Civil Suit no. 209 of 2019 in the Court of Civil Judge, Senior Division at Mapusa, within a period of three months from the date of receipt of this order.

(iii) Petition stands disposed of.

PRAKASH D. NAIK, J.