

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.159 OF 2014

BABOY MOTIRAM
VERENKAR REP. BY THEIR
ATTORNEY, MANJUNATH
SRINIWAS DUKLE AND 5 ORS.PETITIONERS

Versus

JOAO XAVIER CARDOZO
REP. BY HIS ATTORNEY,
JOHNNY JOAO CARDOZORESPONDENT

Ms. A. Fernandes, Advocate for the Petitioners.

Mr. P. Sawant, Advocate for the Respondent.

CORAM: M. S. SONAK, J.

DATE : 3rd FEBRUARY 2023

ORAL ORDER :

1. Heard learned Counsel for the parties.
2. With the consent of the learned Counsel for the parties, the matter is taken up for final disposal.
3. In this case, the petitioners are the original defendants and the respondent is the original plaintiff.
4. The Trial Court granted the petitioners temporary injunction and restrained the petitioners from creating any third party right

pending disposal of the suit. The appeal against this order was dismissed by the Appeal Court on 09.04.2013. This petition, therefore, questions the orders of the Trial Court and the Appeal Court on the issue of temporary injunction.

5. The suit is at an advance stage. Accordingly, no useful purpose would be served by keeping this petition pending. Instead, the Trial Court is directed to dispose of the suit as expeditiously as possible on its own merits and in accord with the evidence that the parties produced before the Trial Court. Further, while disposing of the suit on merits, the Trial Court should not be influenced by the interim orders dated 09.11.2012 and 09.04.2013. The circumstance that both these orders are not interfered with by this Court should also not be taken into account by the Trial Court when deciding the suit on merits.

6. Ms. A. Fernandes points out that an application has been filed to declare the suit as abated. If so, even the said application should be considered and disposed of in accordance with law.

7. All contentions of all parties are expressly left open and this petition is disposed of. There shall be no order for costs.

M. S. SONAK, J.

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