

Amrut

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.954 OF 2017**

MANOHAR SADASHIV BADIGER,  
REP. BY HIS POA, GOPAL ANNAJI  
BADIGER.

... Petitioner

***Versus***

THE CHIEF OFFICER, MAPUSA  
MUNICIPAL COUNCIL, MAPUSA  
AND ANR.

... Respondents

Mr. Shirin Naik, Advocate for the Petitioner.

Mr. P. Shirodkar, Advocate for Respondent No.1.

Mr. P. Faldessai, Advocate for Respondent No.2.

**CORAM: M. S. SONAK, J.**

**DATED : 3<sup>rd</sup> FEBRUARY 2023**

**P.C.:**

**1.** Heard Mr. S. Naik, learned counsel for the Petitioner. Mr. P. Shirodkar, learned counsel for Respondent No.1, and Mr. P. Faldessai, learned counsel for Respondent No.2.

**2.** The Petitioner is the original plaintiff. The Petitioner's application for temporary injunction was denied by the trial Court and the appeal against the same was dismissed by the Appeal Court.

3. Though this petition was admitted on 28.03.2018, no interim relief was granted to the Petitioner. This means that from the date of the institution of Regular Civil Suit No.28/2015, there is no injunction operating in favour of the Petitioner.

4. Mr. S. Naik points out that defendant No.2 has filed a counterclaim and even secured an injunction from the trial Court against the Petitioner. He further points out that this order has been challenged by the Petitioner before the Appeal Court and the injunction order is stayed.

5. Considering the above development and the fact that the Petitioner has no interim relief from the date of the institution of the suit, this petition is disposed of by clarifying that the observations in the impugned orders are only *prima facie* and therefore, they should not be taken into account while deciding the suit on merits. Further, if the Petitioner has any contentions to make in the appeal filed before the District Court, then, even such contentions should be considered without being influenced by the interim orders made by the trial Court and the Appeal Court in the suit/appeal. In short, it is clarified that all further proceedings in the suit should be considered independently on their own merits.

6. With the above clarification, this petition is disposed of. There shall be no order for costs.

**M. S. SONAK, J.**