

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 933 OF 2015

MAZANIA OF SHRI NAVDURGA
SAUNTHAN OF MAKAI,
THROUGH ATTORNEY, SURESH
BHAGWAT KAMAT.

... Petitioner

Versus

PRASHANT RAMCHANDRA
GHAISAS AND 9 ORS.

... Respondents

Mr. Preetam Talaulikar, Advocate for the Petitioner.

CORAM: M. S. SONAK, J.

DATED : 10th FEBRUARY 2023

P.C.:

1. Heard Mr Preetam Talaulikar, learned counsel for the Petitioner.
2. The challenge in this petition is to the order dated 07.11.2015 by which the Appeal Court reversed the trial Court and vacated the injunction that was operating in favour of the Petitioner.
3. This petition was admitted on 05.12.2015 and interim relief was granted in terms of prayer clause (b). As a result, this interim relief has been operating in favour of the Petitioner almost from the inception of the suit.

4. The suit is at the stage of evidence. At this point of time, therefore, no useful purpose would be served in varying the position that has continued for so long. Accordingly, it is directed that this interim relief will operate till the disposal of the suit on merits. However, this interim relief is subject to the condition that the Petitioner will maintain regular accounts of the collection made each day through "Tat of Offerings". Even otherwise, the Petitioner is required to maintain details of such collection in terms of the law.

5. The Special Civil Suit No.52/2008 is expedited. The trial Court must ensure to dispose of the suit as expeditiously as possible and in any case within a year from today.

6. Further, the trial Court while disposing of the suit must not be influenced by any interim orders made either by the trial Court, Appeal Court, or this Court. The suit must be disposed of on its own merits and in accord with law.

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

8. Mr Talaulikar states that the Petitioner will file an authenticated copy of this order before the trial Court on the next date of the hearing.

M. S. SONAK, J.