

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.122/2017
WITH
MISC. CIVIL APPLICATION NO.140/2022

MARIA MEERA MENEZES
DE SOUZA, w/o late Manuel
Maria Rufino D Souza, resident
of 3, Dr. Peter Dias Road,
Bandra, Mumbai, Maharashtra,
through her duly constituted
attorney Luis Ian Dias, resident
of H.N.190, Opp. Goa reserve
Police, Altinho, Panaji, Goa.

... PETITIONER

Versus

AJAY MENDES, Plot No.215,
Nagally Taleigao, Ilhas Goa.

... RESPONDENT

Mr. M.B.D. Costa, Senior Advocate with Mr R. Abbasi,
Advocate for the Petitioner.
Mr. Kaif Noorani, Advocate for the Respondent.

CORAM: M. S. SONAK, J.

DATED: 17th February 2023

ORAL JUDGMENT:

1. Heard Mr Costa, learned Senior Advocate who appears with Mr R. Abbasi for the petitioner and Mr Kaif Noorani for the respondent.

2. With the consent of the learned counsel for the parties the petition is taken up for disposal.

3. The Trial Court and the Appellate Court had not granted any injunction favouring the petitioner/plaintiff pending disposal of the suit. However, by order dated 17.04.2017, when this petition was admitted, both the parties were directed to maintain the status quo.

4. The order dated 17.04.2017 reads as follows:

“Rule.

2. Parties to maintain status quo. Parties are further directed to place on record an affidavit within a period of one week from today to indicate the precise nature of the status quo. To the affidavit parties are at liberty to annex photographs of the present state.

3. It is made clear that pendency of this petition shall not hinder the learned Trial Judge from proceeding with the suit. In fact, the learned Trial Judge shall proceed with the suit on its own merits and in accordance with law.

4. Mr. K. Noorani, learned Advocate waives notice on behalf of the respondent.”

5. Thus, at least from 17.04.2017, status quo has been maintained by both the parties. Further, Mr Noorani, learned

counsel for the respondents states that the suit is at the stage of evidence.

6. Accordingly, interest of justice will be met if the learned Trial Court is directed to dispose of the suit itself as expeditiously as possible and in any case within one year from today. The learned counsel for the parties stated that the parties and their counsel before the Trial court will cooperate with the Trial Court so that the Trial Court is in a position to expeditiously dispose of the suit.

7. Further, the Trial Court, while disposing of the suit, will not be influenced by orders made at the interim stage, including, the above order dated 17.04.2017 made by this Court. The suit will have to be decided based on the evidence that the parties lead and the law on the subject.

8. Further, pending the disposal of the suit, the parties, should maintain status quo, now that the status quo has operated since 2017 and directions have been issued for the expeditious disposal of the suit.

9. With the above observations and directions this petition is disposed of.

10. The Rule is made absolute in the above terms. There shall be no order for costs.

11. All concerned to act on the authenticated copy of this Order. Learned counsel for the parties state that the authenticated copy of this order will be produced before the learned Trial Court on the next date of hearing.

12. The pending miscellaneous civil application is also disposed of.

M. S. SONAK, J.

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