

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.359 OF 2023

MUKUND JAYA PARAB AND ANR

... PETITIONERS

Versus

GOVIND MUKUND PARAB @ GOVIND

MUKUND PRABHU

... RESPONDENT

Ms. Krupa Naik, Advocate for the Petitioners.

Mr. Kedar Govind Prabhu with Ms. Reeta Kavthankar @ Kundnekar,
Advocates for the Respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 2nd May, 2024

P.C.:

1. Heard learned Counsel for the petitioners.
2. The present petition is filed challenging the order passed by the First Appellate Authority in Misc. Civil Appeal No.42 of 2023 dated 15/06/2023.
3. It is the contention of the petitioners that by the said impugned order, the First Appellate Authority allowed the said appeal and quashed the temporary injunction granted by the Trial Court in favour of the petitioners.

4. The suit is filed by the petitioners against the respondent wherein an application for grant of temporary injunction was filed thereby praying to restrain the respondent/defendant from carrying out any construction in the suit property. Though the learned trial Court vide order dated 20/5/2023 allowed the said application and restrained the defendant from carrying out any further construction in the suit property as well as from selling, mortgaging or alienating the suit property. In an appeal filed by the respondent, such an order was quashed and set aside and the injunction application filed by the plaintiff is dismissed.

5. It has been brought on record that issues are already framed by the trial Court and even the affidavit in evidence of the plaintiff is filed.

6. Considering the findings given by the First Appellate Court specifically that the Will was never challenged, the best course should be adopted by disposing of the present petition by directing the learned trial Court to decide the said suit as expeditiously as possible as the respondent herein is a Senior Citizen and the petitioners are also coming within the bracket of a senior citizen. The dispute appears to be between the family members and more particularly that the property allotted to the ancestors who were the freedom fighters.

7. In the above circumstances, the petition could be disposed of by directing the learned Trial Court to dispose of the said civil suit as

expeditiously as possible and preferably by the end of this year.

8. Needless to mention that the parties are also equally responsible to co-operate with the learned trial Court to decide the said suit as expeditiously as possible. The plaintiff as well as the defendant undertake to co-operate with the learned trial Court in adhering to the above directions for the disposal of the suit.

9. In view of the above observations, the Writ Petition stands disposed of with directions to the learned trial Court to decide the said civil suit as early as possible and preferably by the end of this year.

10. The Petition stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.