



Meena

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.273 OF 2024

IN

WRIT PETITION NO.378 OF 2023

MAZANIA OF DEVALAYA OF MAHALASA OF
MARDOL AT MARDOL THR. ATTORNEY OF
ITS MANAGING COMMITTEE

... APPLICANT

Versus

MADAN @ MANJINATH PADMANABH BHAT
AND 3 ORS

... RESPONDENTS

Mr. Parag Rao with Mr. Akhil Parrikar, Advocates for the Applicant.

Ms. Sailee Kenny, Advocate for the Respondents.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 24th June, 2024

P.C.:

1. Heard Mr. P. Rao with Mr. A. Parrikar, learned Counsel for the Applicant and Ms. S. Kenny, learned Counsel for the Respondents.

2. This is an application for extension of operation of order passed by the trial Court which is extended while deciding Civil Writ Petition No.378 of 2023 for a period of 8 weeks.

3. Mr. Rao submits that the SLP is already filed on 11/06/2024, however, due to summer vacation, the matter could not be circulated. He submits that the Apex Court is reopening on 08/07/2024. He

submits that in the interest of justice, time be extended for the purpose of circulating the matter before the Apex Court.

4. Ms. Kenny appearing for the Respondent strongly objected saying that the Applicant did not approach the Supreme Court immediately after passing of the judgment by this Court though 8 weeks time was granted. She submits that the Respondent wanted to carry out minor repairs in view of the monsoon and therefore no extension be granted. In the alternative, she submits that the costs may be awarded for grating such extension.

5. The Writ Petition was disposed of on 25/04/2024 wherein the order passed by the Civil Court was quashed and set aside along with the order passed by the District Court in the Misc. Application.

6. The record shows that the temporary injunction granted in favour of the Applicant was operating for almost two years. It is no doubt true that this Court granted liberty to the Applicant to file an appeal or SLP and obtain the order by extending such order for 8 weeks. However now the SLP is already filed and due to the vacation, the Applicant was unable to circulate it.

7. Considering the above submission, the order passed by this Court on 25/04/2024 and more specifically in paragraph 42, is extended till 12/07/2024.

8. The application stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.