



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.711 OF 2023

MANUEL LOURENCO GREGORIO AFONSO
AND ANR

... PETITIONERS

Versus

JOB AFRANIO AFONSO (SINCE DEC.)
AND 13 ORS

... RESPONDENTS

Mr Sagar Sarmalker, Advocate for the Petitioners.

Ms. A. Agni with Mr. J. Shaikh, Advocates for the Respondents.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 20th November, 2024

P.C.:

1. Heard Mr Sagar Sarmalker, learned Counsel for the Petitioners and Ms. A. Agni with Mr. J. Shaikh, learned Counsel for the Respondents.
2. The only grievance in the present petition is that though the civil suit filed by the Respondent/Plaintiff is of the year 2014, the same is not progressing in a manner for disposal though there are directions from the High Court as well as by the Supreme Court to decide the suit which are 10years old as expeditiously as possible.
3. Mr. Sarmalker submits that the Petitioners who are the defendants and senior citizens are facing a temporary injunction order and

Respondent No.1 to 12 /Plaintiffs are not allowing the trial Court to proceed with the matter for evidence. It is his contention that though the matter is taken up on priority basis, however, applications are filed and the matter is again adjourned. He requests that the trial Court be directed to decide the suit in a time frame manner.

4. The record would go to show that the learned trial Court has already passed the order stating that the parties are senior citizens and since the matter is more than 10 years old, is required to be taken up on a priority basis. The Roznama produced on record would go to show short dates are given and the evidence is in progress. The matter is for evidence of the Plaintiffs.

5. It is made clear that the matter is of the year 2014 and since most of the parties are senior citizens, the trial Court is duty-bound to consider such a suit to be taken up on a priority basis. However, it is true that no outer limit can be fixed for deciding the suit.

6. In case of filing of application, the Court is duty bound to decide it. However, looking to the matter as it is 10 years old, the Court is duty-bound to decide such applications as expeditiously as possible.

7. The Petitioners are at liberty to point out to the learned trial Court that the matter is required to be decided as early as possible. If it is found that the parties are trying to delay the matter, the trial Court is

having sufficient powers to pass suitable orders.

8. With the above observations, the petition could be disposed of as the trial Court is already taking up civil suit on a priority basis as per its own order dated 30/10/2023.

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

BHARAT P. DESHPANDE, J.