



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 91 OF 2025

DINESH TUKARAM GAONKAR
AND 4 ORS.

... PETITIONERS

VS

SUBHASH K. GAONKAR AND
18 ORS

... RESPONDENTS

Shri Joaquim Godinho, Advocate for the Petitioners.

**CORAM: M.S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED: 18th FEBRUARY 2025

P.C:

1. Heard learned Counsel for the Petitioners.
2. Having regard to the nature of the order that we propose to make, we have not issued notices to the Respondents as no prejudice would be caused to them. We have not expressed any opinion on the rival contentions.
3. Our attention is invited to the order dated 11.10.2023, which reads thus:

“P.C.:

*Mr Thali based on instructions from the
Petitioners, seeks leave to withdraw this petition with
liberty to pursue Regular Civil Suit No.29/2021/B*

and the application for interim relief filed therein. He requests that some directions may be issued to the Civil Court to dispose of the application for interim relief expeditiously.

2. Accordingly, we grant leave to withdraw this petition and dispose of this petition with liberty to the Petitioners to pursue the civil suit and the application for interim relief filed therein. Further, we request the trial Court to dispose of the application for interim relief as expeditiously as possible.

3. The petition is disposed of with liberty and directions as above.

4. All concerned to act on an authenticated copy of this order.”

4. Ordinarily, we would have asked the Petitioners to move the learned Single Judge for appropriate reliefs. We find that by the above order, this Court directed the Trial Court to dispose of the Application for temporary injunction as expeditiously as possible.

5. It is submitted by Shri Godinho, learned Counsel for the Petitioners that the Application for interim relief, filed prior to the passing of the order dated 11.10.2023, is still pending. It is submitted that the Petitioners have made a fresh Application for similar relief on 15.01.2025 at Exhibit D-75 before the Trial Court.

6. Considering that directions have already been issued by this Court, in the interest of justice, we request the Trial Court that the Application dated 15.01.2025 at Exhibit D-75 be decided expeditiously and preferably before 20.03.2025.

7. In case, if for some reason, it is not possible for the Trial Court to decide the Application before 20.03.2025, liberty to the Petitioners to move an Application for ad-interim relief. If such an Application is made, the same may be considered on its own merits and in accordance with law on or before 20.03.2025.

8. The Petition stands disposed of. No costs.

NIVEDITA P. MEHTA, J.

M.S. KARNIK, J.