



Niti

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NOS.1153 OF 2018, 232 OF 2023
&
MISC. CIVIL APPLICATION NO.57 OF 2021
WRIT PETITION NO.1153 OF 2018
AND
MISC. CIVIL APPLICATION NO.57 OF 2021

GIZALA MAGDUM KHAZI
@ GIZALA BEGUM
@ GIZALA MAGDUM KHAZEE,
THR. HER POA, MAGDAUM KHAZEEPETITIONER

Versus

ANA FRANCISCA
FERNANDES AND 25 ORS.RESPONDENTS

WITH
WRIT PETITION NO.232 OF 2023

GIZALA MAGDUM KHAZI
@ GIZALA BEGUM
@ GIZALA MAGDUM KHAZEE
@ GIZALA KHAZI,
THR. POA MAGDAUM KHAZIPETITIONER

Versus

BELARMINO TADEU
ESTEVAO REBELLO @
BENNY REBELLO AND 2 ORS.RESPONDENTS

Mr Nehal Govekar (through V.C.) holding for Mr D. Zaveri,
Advocate for the Petitioner.
Mr Jose Reis, Advocate for Respondent No.1 in WP No.1153.

Mr S.D. Padiyar, Senior Advocate with Mr P. Shirodkar, Advocate for Respondent Nos.7 and 8 in WP No.1153/2018 and for Respondent Nos.1 and 2 in WP No.232/2023.

CORAM: M. S. SONAK, J.

DATE : 17th JULY 2025

ORAL ORDER :

- 1.** Mr Nehal Govekar, the learned counsel, holds for Mr D. Zaveri for the petitioner. He points out that Mr Zaveri has already withdrawn the appearance on behalf of the petitioner in these two petitions.
- 2.** Mr Padiyar, the learned Senior Counsel appearing on behalf of respondent nos.7 and 8 in Writ Petition No.1153/2018 and for respondent nos.1 and 2 in Writ Petition No.232/2023 points out that these two petitions challenge the orders of the appeal court declining interim reliefs to the petitioner (original plaintiff) and granting some interim reliefs favouring the respondents whom he represents.
- 3.** Mr Padiyar points out that the impugned orders were made in the year 2017. He points out that the appeals were dismissed on May 14, 2018. He points out that the suit is at an advanced stage, and the plaintiffs' evidence is in progress.
- 4.** Considering the concurrent *prima facie* findings and the fact that the suit is already at an advanced stage, both these petitions are dismissed, as it would be difficult at this stage to order any interim arrangements contrary to those ordered by the Trial Court and

confirmed by the appellate court. The suit itself dates back to 2012 and is currently at an advanced stage. The concurrent but prima facie observations in the impugned order do not suggest perversity or error of principle.

5. However, it is clarified that none of the observations in the impugned orders or the fact that these petitions are being disposed of without interfering with the impugned orders should influence the learned Trial Court in deciding the two suits on its own merits and in accordance with law.

6. It is necessary to note that there was an order to link the two petitions together. However, on the Board today, only Writ Petition No. 1153/2018 is reflected. The case papers relating to Writ Petition No.232/2023 are linked and handed over. Since the petitions concern the same subject matter and the above circumstances apply to both the petitions, even Writ Petition No.232/2023 is taken on Board and disposed of in the above terms.

7. Mr Govekar submitted that the petitioner has taken away the case papers, and Mr Zaveri has also issued the necessary NOC for engaging other advocates. This was in June 2024. To date, no alternative arrangements have been made by the petitioner. Therefore, it appears that the petitioner is no longer interested in pursuing these petitions.

8. Upon cumulative consideration of all these circumstances, both petitions are disposed of with the above observations. Pending Misc. Civil Application also stands disposed of. No costs.

M. S. SONAK, J.