Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1431 OF 2026

VISHWESH NIPANIKAR AND 3 ORS ... PETITIONERS
Versus
PRASHANT ATMARAM HARMALKAR AND 2 ORS ... RESPONDENTS

Ms. Maria Simone Correia, Advocate for Petitioners.
Mr. Joaquim Godinho, Advocate for Respondents.

CORAM:- S. G. CHAPALGAONKAR, J.

DATED :- 13th October, 2026

ORAL ORDER

1. The Petitioner takes exception to Order dated 19.09.2026 passed at Exhibit D-18 in Regular Civil Suit No. 81/2026/E pending before Civil Judge, Junior Division, 'E' Court, Merces.

2. Heard learned Counsel appearing for respective parties. It is contention of learned Counsel appearing for Petitioners that impugned Order was passed behind their back. The directions to appoint a Bailiff to conduct the inventory or directions to provide police protection are serious actions, which could not have been invoked without giving proper opportunity of hearing to Petitioners.

3. Learned Counsel appearing for Respondents supports the impugned Order and submits that although a status quo Order was operative, the Petitioners disturbed the situation on spot, removed the roof of the property and, therefore, immediate directions were necessary. Notice was duly served on defendant nos. 1 to 3, but they failed to take the opportunity to defend themselves.

4. Having considered the submissions advanced by learned Advocates appearing for respective parties, it is apparent that Trial Court has already passed an order directing parties to maintain status quo as regards suit property.

5. In wake of these directions, it is contention of Respondents that Petitioners, in breach of such directions, disturbed the situation of property. This Court finds that aforesaid contention of Respondents could not have been accepted unless the Petitioners are given an opportunity of hearing. The directions to provide police protection are extraordinary reliefs and such reliefs cannot be granted in a casual manner. In aforesaid backdrop, this Court finds that the impugned Order cannot be sustained in law.

6. In result, Writ Petition is partly allowed. The impugned Order dated 19.09.2026 is quashed and set aside. The matter is relegated back to the Trial Court for reconsideration of application at Exhibit D-18 on its own merits after giving an opportunity of hearing to all

concerned.

7. Needless to state here, that till Trial Court reconsiders the application at Exhibit D-18, the parties shall maintain status quo. Let the Bailiff take photographs of the property and submit a report to Trial Court detailing the actual scenario at the site.

8. Needless to state, Trial Court would take its own decision after considering the contentions of parties without being influenced by any observations made hereinabove.

9. Writ Petition stands disposed of in aforesaid terms.

S. G. CHAPALGAONKAR, J.

Signed by: ANDREZA PEREIRA
Designation: Senior Private Secretary
to the Hon'ble Judge
Date: 13/10/2026 16:52:39