



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 705 OF 2024

Ana Brigida De Souza, Thr. Her Duly const. ...Petitioner
Attorney, Cheryl Ann Menezes
Versus

Marian Elizabeth Hankins ...Respondent

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. Sagar Rivankar, V. ?Braganza and Mr. Jeet Volvoikar, Advocates for the Petitioner.

Mr. J. J. Mulgaonkar, Advocate with Ms. Shweta Parulekar and Ms. Rutuja Prabhudessai, Advocates for the Respondent.

CORAM: DR. NEELA GOKHALE, J.

DATED : 19th JANUARY, 2026

P.C.

1. By way of this Petition, the Petitioner assails the Judgment and Order dated 27.08.2024 passed by the learned Adhoc District Judge (FTC-1), North Goa, at Mapusa, passed in Misc. Civil Appeal No. 75 of 2023.

2. By Order dated 10.07.2023, the Court of Civil Judge Junior Division, 'C' Court at Bicholim, in Regular Civil Suit No. 10/2023/C dismissed the application for temporary injunction made by the present Respondent. The Respondent i.e. the original Plaintiff preferred an appeal before the learned Adhoc District Judge (FTC-1), North Goa, at Mapusa, by filing Misc. Civil Appeal No. 75 of 2023. By the impugned

Judgment and Order, the learned Adhoc District Judge, partly allowed the Misc. Civil Appeal and restrained the Defendant i.e. the Petitioner herein from evicting the Plaintiff i.e. the Respondent herein from the suit house without following the due process of law. Further, the Respondent was directed not to keep animals except two dogs which she had at the initial time in the suit house and remove all other animals from the said house within a period of 30 days from the date of the Order. It is this Order which is assailed in the present Writ Petition.

3. Heard Mr. J. E. Coelho Pereira, learned Senior Counsel appearing for the Petitioner and Mr. J. Mulgaonkar, learned Counsel appearing for the Respondent. I have also gone through the record of the proceedings with their assistance.

4. Mr. Coelho Pereira, submits that there is a counter claim filed by the Petitioner before the Civil Judge, Junior Division in Regular Civil Suit No. 10/2023/C seeking mesne profits and eviction of the Respondent from the suit premises. Since the Order passed by the Civil Judge in the interim application moved by the Respondent i.e. the original Plaintiff has simply refused to restrain the Petitioner from dispossessing the Respondent by way of an interim injunction, the Adhoc District Judge in the Misc. Civil Appeal, has directed the

Petitioner to not evict the Respondent without following the due process of law.

5. Considering both the orders passed by the Trial Court as well as the First Appellate Court, I am of the view that the interests of justice will be sub served if the Court of Civil Judge, Bicholim, concludes the trial of Regular Civil Suit no. 10/2023/C within a period of three months from the date on which the present order is communicated to the Trial Court. At this stage, learned Counsel for the Petitioner informs me that the said Court is vacant at the moment. Hence, the Trial Court in charge of the said Court is directed to conclude the trial of Regular Civil Suit no. 10/2023/C within a period of three months from the date on which the present Order is communicated to the said Court. It is ordered accordingly.

6. Mr. Coelho has brought to my attention the Order passed by the FRRO, New Delhi, extraditing the Respondent from India. It is clear from the said Order that the Respondent was issued an exit permit and was deported to her country i.e. the UK, on the grounds that she overstayed in India, without legal documents permitting her stay in India.

Mr. Mulgaonkar, on the other hand, albeit admitting that the Respondent is in UK, however submitted that she travelled to the UK on her own volition for medical reasons.

Be that as it may, the situation remains that as on date and for the past few months, the subject premises are not occupied by the Respondent. Mr. Mulgaonkar concedes this fact, however, submits that there is a caretaker appointed by the Respondent to reside in the premises.

7. In view of the aforesaid, the Nazir of the Court of Civil Judge, Junior Division, 'C' Court at Bicholim, is directed to take possession of the said premises within a period of one week from the date on which this Order is communicated to him and keep the said premises under his care and custody and secure the property. For that purpose, he is at liberty to take the assistance of the SHO of the Mapusa Police Station.

8. According to Mr Mulgaonkar, there are articles and belongings of the Respondent in the said property.

9. The Nazir is directed to make an inventory of all the articles and belongings in the said property, make four copies of the same, giving one copy to each of the parties, maintain one in the proceedings of this Court and retain another copy with himself in his own office. Without prejudice to the contentions of both parties and as an ad hoc

arrangement, the Respondent is also directed to deposit an amount of Rs. 3,00,000/-, towards the arrears of rent as calculated by Mr Coelho Pereira. The said amount will be deposited with the Nazir/Court Receiver, appointed in this Order. He is directed to keep the said money/amount in a fixed deposit for a tenure of six months with any Nationalised Bank.

10. Liberty is left open to the Respondent to make an application to the Trial Court to enter the premises in case the Respondent, during the pendency of the trial, comes to India. The Trial Court is to decide the said application, if any, on its own merits without being influenced/affected by the observations in this order.

11. All contentions of the parties are left open before the Trial Court.

12. Petition is disposed of accordingly.

DR. NEELA GOKHALE, J