

**LD-VC-CW-168-2020**  
**IN THE HIGH COURT OF BOMBAY AT GOA**

**LD-VC-CW-168-2020**

**Santu G. Podiyar & anr.** ..... **Petitioners**

**V e r s u s**

**Shawn Furtado & anr.** ..... **Respondents**

Mr. A. D. Bhohe, Advocate with Adv. Annelise Fernandes for the  
Petitioners.

Mr. C. A. Coutinho, Advocate for the Respondents.

**CORAM: DAMA SESHADRI NAIDU, J.**

**DATE: 2<sup>nd</sup> September 2020.**

**ORDER:**

The petitioners are the plaintiffs in R.C.S. NO.18/2020/A before the learned Civil Judge, Senior Divisions, Quepem. They sued the respondents-defendants for perpetual injunction. In that suit, the petitioners have also filed an interlocutory application for an ad interim injunction.

2. After a contest, on 7<sup>th</sup> July 2020, the trial Court granted a temporary injunction to the petitioners. Aggrieved, the respondents filed M.C.A. No.25/2020 before the Ad hoc District Judge-I at Margao. That was on 27<sup>th</sup> July 2020. As the record reveals, on 25<sup>th</sup> August 2020, the Appellate Court took up the matter ex parte and partly suspended the trial Court's injunctive order. Now it is the petitioners' turn to be aggrieved. Therefore, they have filed this Writ petition.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. It is evident from the record that the trial Court's order of temporary injunction was on the contest; on the other hand, that of the appellate Court is ex parte. True, pending further adjudication, the appellate Court partly suspended the trial Court's order. As seen for the record, the appellate Court took up the matter almost one month after it was filed. Meanwhile, it could have the petitioners (in appeal, respondent) on notice.

5. At any rate, I reckon it is premature for this Court to rule on the merits.

6. Without adverting to the merits, I dispose of this Writ Petition holding that the appellate Court will hear the Misc. Appeal on the merits and dispose it of expeditiously. But given the prevailing pandemic situation, this Court is aware of the logistical limitations the appellate Court suffers from. So this Court urges the appellate Court to endeavour to conclude the proceedings, preferably, in one month from the date it receives this order.

7. Now it is brought to my notice that the appellate Court has fixed 21<sup>st</sup> September 2020 as the next date of hearing.

Given the present disposal, either party may request the appellate Court for having the hearing date advanced. To do so, the parties or their counsel may appear before the District Court on 7<sup>th</sup> September 2020.

**DAMA SESHADRI NAIDU, J.**

AP/-