

IN THE HIGH COURT OF BOMBAY AT GOA

(LD-VC-CW-73/2020)

Mr. Munshi Zulfikar Ahmad Petitioner.

Vs

Mrs. Angela U. J. De Oliveira and Ors. Respondents.

Shri S. S. Kantak, Senior Advocate with Shri P. Talaulikar, Advocate for the petitioner.

Shri I. Agha, Advocate for the respondent no.1.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 4th August 2020.

P.C.

Indeed, to begin with, the first respondent's counsel has raised a preliminary objection. That concerned the maintainability of this Writ Petition.

2. The petitioner is the defendant no.5 in Special Civil Suit No.26/2019/B before the Court of the Civil Judge, Senior Division, Panaji. Earlier, after the defendants had entered their appearance, the trial Court on 15th June 2019 ordered the parties to maintain status quo. Later, the petitioner requested, as the learned Senior Counsel puts it, the trial Court to speed up the disposal of the injunction application for, by then, three months had elapsed. According to him, the trial Court has expressed

its inability because other matters had been pending for a longer period. Under these circumstances, the petitioner has filed this Writ Petition.

3. Now, both the learned counsel have agreed that if this Court decides to close the Writ Petition with a direction to the trial Court to dispose of the injunction application in reasonable time, they have no objection—rather, they feel that serves the purpose.

4. So, without advertng to the merits, I dispose of the Writ Petition. Indeed, this Court is conscious of the docket pressure the trial Court—any court for that matter—faces. That said, if we take the spirit of Order 39, Rule 3-A of CPC: If the trial Court grants an injunction ‘without notice to the opposite party’, the Court shall ‘make an endeavour’ to finally dispose of the application within thirty days ‘from the date on which the injunction was granted’. Granted, here, the injunction is not ex-parte but, it seems, was granted before the defendants could place their reply on record.

5. Under these circumstances, I reckon it may serve the ends of justice if the trial Court endeavours to dispose of the interlocutory application at the earliest, of course, subject to the pendency of other pressing cases.

As a result, I direct the trial Court to dispose of the application for temporary injunction, pending in SCS No.26/2019/B, expeditiously in three months. For any reason, if the trial Court could not dispose of the

interlocutory application as directed above, it shall apply for extension of time.

DAMA SESHADRI NAIDU, J.

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