

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW- 360-2020

Sarita S. Kharde Petitioner

V e r s u s

Rukmini K. Kharde and ors. Respondents.

Adv. P. Rao for the Petitioner.

Mrs A. Agni, Senior Advocate with Ms Jay Sawaikar, Advocate for the Respondents.

CORAM: DAMA SESHADRI NAIDU, J.**DATE: 9th December 2020.****ORDER:**

The respondents are the plaintiffs in Regular Civil Suit No.144/2019 before the Civil Judge, Senior Division, Panaji. The respondents, as the plaintiffs in that suit, sought ad interim injunction. Then, the trial Court, on 4/5/2019, disposed of that application based on the consensus arrived at between both the parties.

2. Later, on 14.2.2020, the respondents filed the second application, complaining that the petitioner, as the defendant, had violated the consent terms. So they wanted the trial Court to injunct the petitioner from carrying on any construction contrary to their undertaking in the consent terms.

3. The trial Court ordered notice on that application. The respondents, in fact, stressed that, pending the disposal of that application, the trial Court should order the defendants to maintain status quo. But the trial Court felt that the matter needed careful consideration. Then, by

20.02.2020, the petitioner filed the counter. Before the trial Court could decide the issue, complaining of delay and accelerated activity on the petitioner's part, the respondents filed Civil Miscellaneous Appeal—R.C.A. No.16 of 2020—before the Ad hoc District Judge-I FTC. Initially, on 4.3.2020, the Appellate Court ordered the parties to maintain the status quo. Later, that was reiterated through another order, dated 29.10.2020. Assailing that last order, the petitioner has filed this writ petition.

4. Heard Shri P. Rao, the learned counsel for the petitioner; and Ms. Agni, the learned Senior Counsel for the Respondents.

5. The matter involves disputed questions of fact. Besides, when the trial Court wanted to hear the parties before it could rule on the respondent's second application, they went before the Appellate Court and secured status quo. This Court and the Supreme Court have time and again deprecated the practice of ordering status quo without delineating how that order should bind the parties. Orders of status quo—a malleable term with myriad shades of meaning—more often than not lead to further litigation and, possibly, the multiplicity of proceedings.

6. At any rate, I do not want to disturb the position and, thus, pave the way for further litigation. The petitioner, indeed, has suffered the status quo order for the last eight months. It will only serve the ends of justice if this Court requires the trial Court to dispose of the respondent's application for an injunction at the earliest.

Therefore, without advertng to the merits, I dispose of this Writ Petition directing the trial Court to consider the respondent's application for an injunction on the merits and pass appropriate orders expeditiously, preferably, in two weeks from the date the trial Court receives a copy of this order. On such disposal of the application, the Miscellaneous Appeal pending before the Appellate Court no more survives.

DAMA SESHADRI NAIDU, J.

AP/-