Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.476 OF 2023

MODELS LEISURE VENTURES AND 2 ORS. ... Petitioners.

Versus

SUDHEER PRABHAKAR DESAI AND ANR. ... Respondents.

Mr S. S. Kantak, Senior Advocate with Mr Preetam Talaulikar, Advocate for the Petitioners.

Mr Vishnuprasad Lawande and Mr Atul Sadre, Advocates for Respondent Nos. 1 and 2.

CORAM: S. G. CHAPALGAONKAR, J.

DATED: 30th September, 2026

P.C:

1. The present Writ Petition takes exception to order dated 17.09.2022 passed by Commercial Appellate Court, Panaji, Goa, in Commercial Appeal No. 2/2022. The Commercial Suit bearing No.21/2020 has been instituted on the basis of Agreements for sale dated 05.12.2012, 28.01.2014 and Deed of Sale dated 11.03.2016. The suit has been contested by Defendant by filing Written Statement. Application for temporary injunction was also filed in the suit. Trial Court by

order dated 14.01.2022, granted temporary injunction restraining Defendants or their authorized agents from entering or interfering with suit property and/or participating and/or interfering with the management of common areas in Building No.3 and common areas in suit complex, except sloping terraces of roof, staircases, lifts, lift rooms, water tanks of Building Nos. 2 and 4. The Defendants were further restrained from creating any third party right by any mode of transfer in respect of common areas, common amenities and infrastructure in Building No.3 and common terraces, common areas, open spaces in Building No.1. The Defendants are further restrained from carrying out any amalgamation of suit property with adjoining plots for development purpose or interfering with the Plaintiffs' possession of the flats. The aforesaid order was subjected to challenge in Appeal From Order before Commercial Appellate Court at North Goa. The appeals have been dismissed vide Judgment and Order dated 17.09.2022. The present Writ Petition takes exception to the aforesaid order.

2. The record indicates that the suit is pending trial before Commercial Court. The temporary injunction order is operating since 14.01.2022. There is no interim stay to the injunction orders. In this backdrop, without delving into the merits of the contentions, it would be appropriate to dispose of the present Writ Petition giving directions to Commercial Court to decide

the pending suit expeditiously.

3. The learned Advocates appearing for respective parties, submit that the two applications filed by Plaintiffs and Defendants under Order 13A for summary Judgment, are pending before Commercial Court. Learned Advocates appearing for both the parties, on instructions, submit that they would not press such applications so as to proceed with the main suit.

4. In view of the aforesaid statement, the Writ Petition stands disposed of. Needless to state here that this Court has not entered into the merits of the contentions of the parties and Trial Court would proceed to decide rival contentions on the basis of evidence tendered into service during the course of trial. Commercial Court shall endeavour to decide the suit expeditiously and in any case within a period of six months from the date of this order. The parties shall cooperate for early disposal.

S. G. CHAPALGAONKAR, J.

Signed by: JOSE FRANCISCO DSOUZA
Designation: Personal Assistant
Date: 30/09/2026 16:43:00