

WRIT PETITION NO. 441 OF 2002

Shri Pereira, J. Florencio,
major of age, resident of
House No.296, Opp. Police
Station, Curchorem, Goa.

...Petitioner.

Versus

1. Union of India, through
its Secretary Ministry
of Communications,
New Delhi,

2. The General Manager,
Telecom Department,
Panaji, Goa, and

3. The Chief Accounts
Officer, Office of
General Manager,
Telecom District (TRA),
South Kurade Bldg.,
Margao, Goa.

...Respondents.

Shri M. S. Sonak, advocate for the petitioner.

Shri V. P. Thali, Senior Central Govt. Standing Counsel
for the respondents.

CORAM: P. V. KAKADE, J.

DATE: 20th December, 2002.

ORAL JUDGMENT

Heard Shri Sonak, learned counsel for the
petitioner. Heard Shri Thali, learned Senior Central Govt.
Standing Counsel for the respondents.

Rule. Rule made returnable forthwith, by consent.

2. This Writ Petition is filed against the Order
passed by the Civil Judge, Senior Division, Quepem, dated

19th September, 2002, rejecting the application of the petitioner for temporary injunction under Order 39 Rules 1 and 2 of the Code of Civil Procedure, for temporary mandatory injunction for a direction to reconnect the telephone no.651612, which was disconnected earlier. The petitioner is one of the three partners of the firm and the telephone which was disconnected was of the partner himself and not of the firm, which was in arrears of payment of bill of a separate telephone. The learned counsel for the petitioner has made a submission that he has deposited Rs.5,312/- and he has annexed a Bank Draft for the amount of Rs.5,312/- in order to show his bona fides. However, it has not been cashed by the respondent department.

In view of the facts and circumstances involved in the dispute and the fact that ultimately the matter will have to be referred to the Arbitrator as per the provisions of law, it would be just and proper to direct the petitioner to deposit certain amount to show his bona fides, pending the arbitration proceedings, subject to the decision of the Arbitrator. Hence, it is directed that the petitioner shall pay to the respondent department directly Rs.10,000/- (rupees ten thousand only) by Monday, 23rd December, 2002, without prejudice to the rights and contentions of the parties involved and subject to the decision of the Arbitrator, to whom the dispute shall be finally referred. On deposit of the said amount, the

connection of petitioner's telephone No.651612 shall be restored. The restoration of the telephone connection shall be made within 48 hours of the deposit of the said amount.

With these directions, the petition stands disposed of. The Bank draft deposited earlier by the petitioner for Rs.5,312/- in the Court shall be returned to the petitioner.

P. V.KAKADE, J.

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