

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 161 OF 2009**

1. Shri Dharma Tukaram Parshekar
(since deceased)
Through his legal representatives:
2. Smt. Laximi Dharma Parshekar,
(deceased on 01/11/2008)
3. Shri Bicu Dharma Parshekar,
4. Smt. Sital Bicu Parshekar,
5. Shri Vinayak Dharma Parshekar,
6. Miss Jayashree Dharma Parshekar,
7. Shri Shamprakash Dharma Parshekar,

All residents of Duler, Mapusa,
Bardez-Goa, represented by their
Attorney Petitioner no.3.

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Petitioners

Versus

1. Shri Joaquim Damaciano Fonseca
(since deceased),
through his legal representatives,
- 1(a) Mrs. Emidia Correia, and her husband
- 1(b) Mr. Hilari Correia,
Both r/o Oasis Trading & Equipment,
P.O.Box 7002, Mufrah,
Sultanate of Oman, Muscut.
- 1(c) Mrs. Philomena Fonseca Da Silva,
daughter of the Respondent,
major and her husband,
- 1(d) Mr. F. Fonseca Da Silva,
Both r/o Outeino Da Vella,
Block-A-10 A2750,
Cascais Portugal,

2. M/s Aprant Motors,
a company Registered under
Companies Act with Office at
Joshi Building, Vasco Goa,
represented by its Director
Mr. Pankaj Joshi .. Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Ms. A. Naik, Advocate
for the petitioners.

Mr. Sudin Usgaonkar, Senior Advocate with Mr. K. Padgaonkar,
Advocate for the respondent no.2.

CORAM :- F. M. REIS,J.

DATE : 16th June, 2015

ORAL JUDGMENT :

Heard Shri S. D. Lotlikar, the learned Senior Counsel
appearing for the petitioners and Shri Sudin Usgaonkar, the
learned Senior Counsel appearing for the respondent no.2.

2. Rule. Heard forthwith with the consent of the
learned Counsel for the parties.

3. Shri Padgaonkar, the learned Counsel waives service
on behalf of the respondent no.2.

4. Upon hearing both the learned Counsel for the

petitioners and respondents, the only point, which arises for consideration at this stage in the above petition is whether the impugned judgment dated 12/07/2006 passed by the learned Administrative Tribunal in Mundkar Revision Application No.24/1983 stands vitiated for not complying with the observations made by the Division Bench of this Court while disposing of ***Writ Petition No.191/2012 by judgment dated 13/06/2012.***

5. It is undisputed that the impugned judgment was passed by the learned Tribunal about 27 months after the conclusion of the arguments. The next grievance of the petitioners is that the certified copy of such judgment was issued 30 months thereafter.

6. On such undisputed facts, the judgment of the Division Bench of this Court is squarely applicable to the facts of the above case. As such, the question of deciding the rival contentions on merits is not necessary. Hence, I pass the following order :

ORDER

- (i) The impugned judgment dated 12/07/2006

passed by the learned Administrative Tribunal in Mundkar Revision Application No.24/1983 is quashed and set aside.

(ii) Mundkar Revision Application No.24/1983 is restored to the file of the learned Tribunal.

(iii) The Tribunal shall proceed to dispose of such Mundkar Revision Application as expeditiously as possible and in any event, within three months from the date of receipt of this order.

(iv) All the contentions of both the parties on merits are kept open.

(v) Rule is made absolute in the above terms.

(vi) The parties are directed to appear before the learned Tribunal on 29/06/2015 at 10.00 a.m.

7. Writ Petition stands disposed of in the above terms.

F. M. REIS, J.

SMA