

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 303 OF 2015

SHRI NAZARETH NORONHA AND ANR. ... PETITIONERS
VERSUS
SHRI UBALDO BRAZ NORONHA
AND ANR RESPONDENTS.

Mr. Joseph Rodricks, Advocate for the Petitioners.

CORAM: M. S. SANKLECHA, J
DATE: 20TH APRIL, 2015.

P. C.:

Heard Mr. J. Rodricks, learned counsel for the petitioners.

The challenge in this petition is to the order dated 12/3/2015 passed by the District Judge-I, Margao (1st Appellate Court). By the impugned order, the order dated 2/3/2015 passed by the Executing Court was stayed and the appeal was adjourned to 21/4/2015.

2. It is the contention of the petitioners that the 1st Appellate Court could not have entertained the appeal from an order passed in Execution Proceeding dated 2/3/2015. Thus, it is submitted that the

impugned order as also grant of ad-interim stay and posting the matter for arguments on condonation of delay are all without jurisdiction.

3. After the matter was argued for sometime, Mr. Rodricks, learned counsel for the petitioners seeks leave to withdraw this petition with liberty to file another petition, if necessary. It will be open to the petitioners to urge on 21/4/2015, the submission that the 1st Appellate Court has no jurisdiction to entertain the appeal from an order of the Executing Court dated 2/3/2015. Needles to state that the 1st Appellate Court would take in account the petitioners' submission and pass appropriate orders thereon.

4. In view of the above, liberty as sought for is granted. Petition is dismissed as withdrawn subject to the directions given herein above.

5. Parties to act upon authenticated copies of this order.

M. S. SANKLECHA, J.

Ap/-