

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 391 OF 2015

M/S. CHOWGULE METAL INDUSTRIES
LIMITED, THROUGH ITS ATTORNEY MR.
RAMA @ RAMESH BHIMA BILGUCHE.

... Petitioner

Versus

SHRI SHARADCHANDRA VITOL P. GAOKAR
AND 16 ORS.,

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. Prasheen Lotlikar,
Advocate for the petitioner.

Mr. A. N. Ramani, Advocate for the respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 11th July, 2016

P.C.

Heard the learned Senior Counsel for the petitioner and the learned Counsel appearing for the respondent no.1, who is the only contesting respondent.

2. After hearing the learned Counsel for the parties for some time, it transpires that in pursuance of the impugned order, the Commissioner namely the Surveyor has submitted his report. The said Surveyor was examined by the Appellate Court and has been fully cross-examined on behalf of the petitioner. In such circumstances, the learned Senior Counsel for the petitioner states that this Court may pass appropriate order subject to a liberty to challenge the order appointing the Commissioner in appropriate proceedings may be

reserved. The learned Counsel for the respondent no.1 has no objection for the same.

3. In such circumstances, the Writ Petition is disposed of. Needless to mention that the petitioner will be entitled to raise appropriate contentions against the impugned order in consonance with Section 105 of C.P.C. in appropriate proceedings. It is made clear that this Court has not expressed any opinion on the merits of any such challenge, if raised. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

SMA