

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 22 OF 2016

MR. GERALDO D'COSTA ALIAS GERALDO
L. D'COSTA REP. BY DULY CONST. POA
MR. NAGESH GAONKAR AND ANR.,

... Petitioners

Versus

LESHA ENTERPRISES, THR. ITS
PROPRIETOR, LESLI PINTO, REP. BY
ATT. SAJI ANANT KUDALKAR AND 2
ORS.,

... Respondents

Shri S.G. Bhobe, Advocate for the Petitioners.
Shri Ashwin D. Bhobe, Advocate for Respondents No.2 & 3.

Coram:- C. V. BHADANG, J.

Date:- 5th October, 2016

P.C.:

Heard for some time. The learned Counsel for the petitioners, on instructions, seeks permission to withdraw the Civil Revision Application.

2. It is submitted that the Trial Court in the impugned order has attributed fraud being committed by the power of attorney of the respondents/plaintiffs. The power of attorney is a lawyer by profession. The learned Counsel submits that such a observation or finding could not have been given at the back of the power of attorney or without hearing him. It is also submitted that observations are unwarranted in the facts and circumstances of the case.

3. I have carefully considered the circumstances and the submissions made by the learned Counsel for the parties. By the impugned order, the learned Trial Court has set aside an ex-parte decree obtained by the petitioners against the respondents in which certain observations are made against the power of attorney holder. In view of the fact that the petitioners are seeking to withdraw the Civil Revision Application, the challenge to the impugned order does not survive. In the circumstances the observations made against the concerned power of attorney holder shall stand expunged from the order of the Trial Court. The Trial Court shall decide the suit on its own merits in accordance with law.

4. The Civil Revision application is disposed off as withdrawn with no order as to costs.

C. V. BHADANG, J.

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