

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 640 OF 2015**

Smt. Shashikala P. Sakhalkar,
widow of Shri Prabhakar Sakhalkar,
major of age,
R/o. FF-07, 4th floor,
Rani Pramila Arcade,
18th June Road, Panaji, Goa. Petitioner

V e r s u s

1. THE GOA STATE CO-OPERATIVE BANK LTD.,
Head Office, Sahakar Sankul,
Patto Plaza, EDC Complex,
Panaji, Goa.
2. The Sales and Recovery Officer,
Registrar of Co-operative Societies,
Government of Goa,
C/o. The Goa State Co-operative Bank Ltd.,
Head Office, Sahakar Sankul,
Patto Plaza, EDC Complex,
Panaji, Goa.
3. Shri Sandeep V. Naik,
Major in age,
r/o. Plot No.52, PDA Colony,
Corlim, Tiswadi, Goa.
4. Shri Anil Gopinath Ekawde,
Major in age,
r/o. H. No. 298, Keri,
Ponda, Goa.
5. Mr. Prabhakar Sakhalkar (deceased)
(a) Miss Anuja P. Sakhalkar,
major of age,
daughter of Shri Prabhakar Sakhalkar,

- (b) Mr. Vishal P. Sakhalkar,
major of age,
son of Shri Prabhakar Sakhalkar,
- (c) Mrs. Anita U. Parsekar,
major of age,
daughter of of Shri Prabhakar Sakhalkar,
- (d) Mr. Uday Parsekar,
major of age,
son in law of Shri Prabhakar Sakhalkar,
All residents of FF-07, 4th floor,
Rani Pramila Arcade, 18th June Road,
Panaji, Goa. Respondents

(Above are registered addresses)

Adv. Ashwin D. Bhobe for the Petitioner.
Adv. S. R. Rivankar for Respondent nos. 1 & 2.

CORAM: C. V. BHADANG, J.
DATE: 24TH OCTOBER, 2016.

ORAL JUDGMENT:

Rule returnable forthwith. The learned counsel for the respondent nos.1 and 2 waives service.

2. Heard Shri Bhobe the learned counsel for the petitioner and Shri Rivankar, the learned counsel for the respondent nos. 1 and 2.

3. It is submitted by the learned counsel for the petitioner that in view of the decision of the Hon'ble Supreme Court in the case of **Ludovico Sagrado Goveia Vs. Cirila Rosa Maria Pinto and Others** (2016) (8) SCALE the petition will have to be allowed and the impugned order will have to be set aside. Reliance in this regard is placed on paras 12, 13 and 19 of the judgment in the case of **Ludovico Sagrado Goveia** (supra) in which it has been inter alia held that the Execution proceedings will be governed by the provisions of the Arbitration and Conciliation Act 1996.

4. The learned counsel for the respondent nos. 1 and 2 fairly submits that appropriate order be passed.

5. In that view of the matter, the petition is allowed in terms of prayer clauses (A) and (B). Needless to mention that the respondent nos. 1 and 2 would be entitled to execute the award in accordance with law in consonance with the decision of the Hon'ble Supreme Court in the case of **Ludovico Sagrado Goveia** (supra).

6. The amount of Rs.2.00 lakhs deposited by the petitioner shall be returned to the petitioner along with interest, if any.

7. In the circumstances there shall be no order as to costs.

C. V. BHADANG, J.

Ap/-