

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 592 OF 2016**

- 1 M/s. Vishwas Warehousing and Trading Private Ltd.

A company constituted and incorporated under Indian Companies Act of 1956, Having their Administrative Office at 1<sup>st</sup> floor, Suvaran Bandekar Building, Swatantra Path, Vasco-da-Gama, Goa – 403 802.

Through their Advisor and authorized representative Mr. Vasudeo Shivram Raikar, son of late Shivram Anant Raikar, 80 years old, married, Indian national, resident of 2<sup>nd</sup> floor, Harshananda Dhempe College Road, Tonca, Caranzalem (Miramar Panaji), Goa – 403002.

Petitioner

Versus

- 1 Ms. Virginia Maria Simoes Alias Nazia Nizar,  
Wife of Mohamed Nizar and daughter of late Wilfred O. Simoes,  
Major, married, Indian National, resident of H. No.241, Gotmonordi, Tilamol, Quepem-Goa.

OR

Resident of Borimal, Quepem- Goa.

- 2 Barbara Elizabeth Von  
Starranburg Niedenthal Nee  
Simoese,  
wife of Von Starranburg  
Niedenthal and daughter of  
late Wilfred O. Simoes,  
Major, married, Foreign  
National, Resident of 49,  
Ross Way, Eitham, London,  
U.K., represented by her  
constituted Power of Attorney,  
Defendant No.1 above named.
- 3 Lydia Dias Rosario,  
Wife of E. Dias and daughter  
of late Angelo Cortes, Major,  
married, Indian National,  
resident of Agacaim, Goa.
- 4 Inacio Dias Do Rosario,  
Son of Antonio F. Dias,  
Major, married, Indian  
National, resident of Agacaim,  
Goa.
5. M/s. Synergy Ispat Pvt. Ltd.,  
A Private Limited Company,  
Incorporated and Constituted  
under Companies Act of 1956,  
Having Office at 55-B,  
Rama Road, Industrial Area,  
New Delhi -110 015.
6. M/s. Metsil Exports Pvt. Ltd.,  
A Private Limited Company,  
Incorporated and Constituted  
under Companies Act of 1956,  
Having Office at Barlow House,  
4<sup>th</sup> floor, 59-C,  
Chowringhee Road, Kolkata-  
700 020.
- 7 Chhattisgarh Investment Ltd.,

Having its registered office at  
P-49,  
Industrial Area, Urkura,  
Raipur, Chhattisgarh (M.P)

8. M/s. Sarda Energy and Mineral  
Ltd. (SEML),  
Having its registered office at  
73/A, Central Avenue, Nagpur,  
Maharashtra – 400 018.

..... Respondents

Shri Shivan Desai with J. Ramaiya, Advocates for the  
Petitioner.

Mr. P. Rao, Advocate for the Respondents.

**CORAM: C. V. BHADANG, J.**  
**DATE: 10th October, 2016.**

**ORAL JUDGMENT:**

Heard.

By consent, the petition is disposed of as under:

**ORDER:**

- (i) The trial Court shall permit the examination of Shri V. S.  
Raikar on behalf of the petitioner and shall allow the  
production of the resolution dated 6/1/2016.

- (ii) This shall be subject to all just exceptions and objections on behalf of the respondents, as to the effect of the evidence of such witness and the resolution dated 6/1/2016, including the competence/capacity to be examined as a witness on behalf of the company.
- (iii) Rule is made absolute in the aforesaid terms with no order as to costs.

**C. V. BHADANG, J.**

**Ap/**