

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 70 OF 2016

THE DEPUTY COLLECTOR/LAND
ACQUISITION OFFICER.,

... Appellant

Versus

SHRI. PREMANAND RAMNATH GAONKAR.,

... Respondent

Ms. Susan Linhares, Additional Govt. Advocate for the Appellant.
Mr. C.A. Coutinho, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 2nd December, 2016

P.C:

The learned Counsel for the respondent has raised a preliminary objection on the basis of provisions of Order XLIII, Rule 1(w) of CPC. It is contended that under the said Rule, an appeal lies only where the review has been allowed. It is pointed out that in the present case, the review application has been dismissed and as such, appeal would not be maintainable.

2. Faced with this difficulty, the learned Additional Government Advocate seeks permission to withdraw the appeal, with liberty to file appropriate proceedings challenging the impugned order.

3. In such circumstances, the appeal is disposed of as withdrawn, with liberty as prayed.

C. V. BHADANG, J.