

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION (MAIN) NO. 703 OF 2016

OSWALD ANTAO.,

... Appellant

Versus

CAETANO LUIS (DEC), THR. HIS LRS.

AND 2 ORS.,

... Respondents

Shri Yemane D'souza, Advocate for the applicant.

Coram:- F. M. REIS, J.

Date:- 23rd November, 2016

P.C.

Heard Shri Y. D'Souza, learned Advocate for the applicant.

2. The application filed by the applicant for transfer of the proceedings which have been forwarded to the Fast Track Court at Panaji is stated to have been filed in view of the directions issued by the learned Judge to seek such transfer for lack of territorial jurisdiction.

3. It may not be over emphasized to note that if the Court has no territorial jurisdiction, it would have to be either reverted back to the concerned Court having such jurisdiction or the appeal memo be returned to the party so as to submit it to the appropriate Court. It is pointed out by the learned Counsel appearing for the petitioner that proceedings are concerning a property located within the jurisdiction of South Goa District and as such the appeal had to be forwarded to the Court of the learned District Court, South Goa and not to the

North Goa District Court. As such the learned Fast Track Court, North Goa shall transmit the appeal to the Court of the learned District Judge, South Goa, Margao for disposal.

4. The application stands disposed off accordingly.

F. M. REIS, J.

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