

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 28 OF 2016

IN

WRIT PETITION NO. 629 OF 2016

MR. ROQUE PEREIRA AND ANR., ... Applicants
Versus
MR. JANU KANKOLKAR AND 2 ORS., ... Respondents

Mr. Shivan Desai and Mr. Prasheen Lotlikar, Advocates for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 26th August, 2016

P.C.:

Heard the learned counsel for the applicant for some time.

2. It is submitted by the learned counsel for the applicants that an admission although cannot be withdrawn it can be explained away. It is submitted that the applicants can in the circumstances explain the admission by incorporating the amendment. It is next submitted that the petitioners, who are the claimants are not the eye witnesses to the accident and the submission about the deceased riding the motorcycle is based on the investigation made by the police. He submits that the fact that the admission can be explained would require the judgment of this Court being reviewed.

3. This Court has already held that by way of proposed amendment

the petitioner cannot withdraw the categorical admission made in the pleadings. Thus there is no error apparent on the face of the record so as to require a review of the said judgment. It is however, made clear that this Court has not expressed any opinion on the issue of the negligence. It is evident that the issue of negligence is still open to be decided by the Tribunal on the basis of the evidence led before it. It is also clear that the petitioners/claimants are not the eye witnesses to the accident and the statement about the deceased riding the motorcycle is based on the investigation made by the police. With this, the review application is dismissed.

C. V. BHADANG, J.

ap/-