

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 739 OF 2016

IN

WRIT PETITION NO. 556 OF 2010

SHRI. AUGUSTO SOUZA.,

... Applicant

Versus

CAETANO SOUZA (SINCE DEC.) THROUGH
HIS LRS. MS. FELICIA PINTO.,

... Respondent

Shri Ashwin D. Bhobe, Advocate for the Applicant.
Shri M.B. Da Costa, Senior Advocate with Ms. K. Betquecar,
Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 7th October, 2016

P.C.:

This is an application for speaking to the minutes. In so far as the correction of the appearance is shown, the same is allowed. The appearance of Advocate Shri A.D. Bhobe be shown for respondent no.1.

2. It is submitted by the learned Counsel for the applicant that there is an appeal pending against the judgment and decree dated 23/10/2015 passed in Regular Civil Suit No.67/1992/D before the District Court where the judgment of this Court in Writ Petition No.556/2010 is sought to be produced. It is submitted that the decree in Regular Civil Suit No.67/1992 is subsequent to the filing of the writ petition. It is submitted that the petitioner in Writ Petition

No.556/2010 are trying to place reliance on the judgment in the said petition.

3. Having considered the circumstance and the submissions made, it is evident that the legality of the judgment and decree dated 23/10/2015 was not the question involved in Writ Petition No.556/2010. Thus, the learned District Judge shall decide the appeal on its own merits and in accordance with law. Civil Application is disposed off in the aforesaid terms.

C. V. BHADANG, J.

NH