

Atul

**IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NO. 73 OF 2017**

Mario Cornelio F D'Souza & Ors	...Appellants
<i>Versus</i>	
Maria Pia De Souza & Ors	...Respondents

Mr Vinod Vishnu Korgaonkar, *for the Appellants.*
Mr AD Bhobe, *for the Respondents Nos. 1(A) and (3A).*

CORAM: G.S. Patel, J.
DATED: 14th September 2017

PC:-

1. Mr Bhobe appears for Respondents Nos. 1(a) and 3(a). A service report is awaited. However, in the peculiar facts and circumstances of the case, I see no reason to keep this matter pending. The reason is simple. It appears that the First Appellate Court proceed entirely on the basis of written arguments. The filing of these rival written arguments and submissions is noted in paragraph 2 at page 21. There is a grievance by the Appellants that no opportunity of being heard was afforded to the Appellants' Advocate.

2. On that limited ground, I will set aside the impugned order of 29th September 2015 and restore Regular Civil Appeal No. 471 of 2010 to file and request the learned District Judge, Mhapsa to

dispose of the Regular Civil Appeal at the earliest and, preferably, by the end of December 2017.

3. The Second Appeal is disposed of in these terms. There will be no order as to costs.

(G.S. Patel, J)