

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 53 OF 2017**

Mr. Bernard Miranda
56 years of age,
H.No.184, Virabhat Fatorda
Margao Goa.

..... Petitioner

V e r s u s

1. Mr. Mahajan Shaikh,
Major in age,
Block B, 2nd Floor,
Aisha Apartments,
Opp. Sitara Motors, Navelim,
Salcete Goa.

2. Margao Municipality Council
Through its Chief Officer,
Margao Goa

3. The South Goa Planning &
Development Authority,
Near New Fish Market,
Margao Goa.

... Respondents

Mr. Nigel Da Costa Frias, Advocate for the petitioner.

Mr. B. Sardessai, Advocate for the respondent no.1.

Ms. A. Lobo, Advocate for the respondent no.2.

Coram:- F. M. REIS, J.

Date:- 6th April, 2017

ORAL JUDGMENT

Heard Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioner, Mr. B. Sardessai, learned counsel appearing for the respondent no.1 and Ms. A. Lobo, learned counsel appearing for the respondent no.2.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respective respondents waive service.

4. After hearing the matter for some time, the following order is passed by consent.

ORDER

(i) The impugned order dated 08.12.2016 is modified

and the petitioner is granted leave to amend the plaint only to the extent of the proposed amendment 12(i) as mentioned in the application dated 29.11.2013.

(ii) The petitioner shall carry out amendment within one week.

(ii)(a) The petitioner if so advised is at liberty to raise his contention to the effect that the subject construction is contrary to the Building Regulations as a matter of law which shall be examined on its own merits.

(iii) The respondents to file additional written statement within two weeks thereafter.

(iv) The learned Judge shall proceed to decide the suit after framing additional issue, if any, in accordance with law.

(v) Rule is made absolute in the above terms.

(vi) The petition stands disposed of accordingly.

F. M. REIS, J.

at*

Corrections
carried out as per
order dated
6.7.2017