

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 648 OF 2014

SHRI VISHNU LAXMAN DHARGALKAR
SINCE DEC THR. LEGAL HEIRS

... Petitioner

Versus

SHRI. SEBASTIAN MARTINS REP. BY
P.O.A. SHRI FRANK MARTINS AND 3
ORS.,

... Respondents

Mr. Valmiki Menezes, Advocate for the Petitioner.
Mr. D. Pangam, Advocate for the Respondent nos. 3 and 4.

Coram:- F. M. REIS, J.

Date:- 5th April, 2017

P.C.

Heard Mr. V. Menezes, learned Counsel appearing for the Petitioner and Mr. D. Pangam, learned Counsel appearing for the Respondent nos. 3 and 4.

2. The challenge in the above Petition is to the Judgment dated 24.07.2012 passed by the learned Tribunal in Mundkar Revision Appln. no. 95 of 2003 whereby the Revision preferred by the Respondent came to be allowed.

3. Mr. D. Pangam, learned Counsel appearing for the Respondent nos. 3 and 4, raises a preliminary objection that the Petition itself is barred by laches. But, however, Shri Valmiki Menezes, learned Counsel appearing for the Petitioner, pointed

out that in view of the Judgment passed by this Court, the learned Tribunal had no jurisdiction to entertain and dispose of the Revision Petition.

4. Be that as it may, the challenge by the Petitioner is to an Order passed in the year 2012, only in the year 2014 i.e. two years after the impugned Order came to be passed. There is no satisfactory explanation by the Petitioner for such inordinate delay. The Order is in proceedings under Section 29 of the Mundkar Act. No ground of jurisdiction was raised before the learned Tribunal. In such circumstances, I find that, without going into the merits of the rival contentions, the Petition deserves to be rejected on the ground of laches and gross delay.

5. Hence, Petition stands disposed of accordingly.

F. M. REIS, J.

arp/*