

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 875 OF 2016

SHRI. DOMINGOS LIMA, THR. HIS
CONST. POA MRS. CAITANI LIMA.,

... Petitioner

Versus

LUIS CARVALHO AND 4 ORS.,

... Respondents

Shri Devidas J. Pangam, Advocate for the Petitioner.
Shri Nitin Sardessai, Senior Advocate with Ms. Gautami
Kakodkar, Advocate for Respondent No.5.

Coram:- C. V. BHADANG, J.

Date:- 22nd March, 2017

ORAL ORDER :

Heard Shri Pangam, the learned Counsel for the petitioner and
Shri Sardessai, the learned Senior Counsel for respondent no.5,
who is essentially the contesting party.

2. The petitioner challenges the judgment and order dated
28/07/2016 passed by the learned Adhoc District Judge, South
Goa at Margao in Civil Misc. Application No.54/2015 by which
an application for condonation of delay in filing appeal has been
dismissed.

3. On hearing the learned Counsel for the parties, it appears that
the petitioner who was respondent no.4(a) before the learned
Mamlatdar was not a party to the consent terms on the basis of

which the Mamlatdar has decided the application filed by the respondent nos.1 to 4 herein. Indisputably, by the said judgment and order of the Mamlatdar, the respondent nos.1 to 4 are declared to be not the tenants of the suit property bearing Survey No.34/0 of Sanguem Village in Sanguem Taluka. It is not in dispute that the Mamlatdar has not granted any declaration vis-a-vis the petitioner who was the respondent no.4(a) before the Mamlatdar. Shri Sardessai, the learned Senior Counsel for the respondent no.5 in all fairness does not dispute that the consent terms and the order of the Mamlatdar cannot bind the petitioner and the order of the Mamlatdar cannot be used against the petitioner.

4. Subject to this, no case for interference is made out. The petition is accordingly disposed off with no order as to costs.

C. V. BHADANG, J.

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