

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 274 OF 2012

LUDOVINA MARGARIDA ELVIRA DIAS E
FURTADO REP. BY P.O.A LINDO J.
FURTADO AND 4 ORS.,

... Petitioners

Versus
MR. JOAO INACIO FURTADO AND 2
ORS.,

... Respondents

Shri Valmiki Menezes, Advocate for the Petitioners.
Shri Cleofato Almieda Coutinho, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 2nd February, 2017

P.C:

On hearing the learned Counsel for the parties for sometime, Shri Menezes, the learned Counsel for the petitioners, on instructions, seeks leave to withdraw the Writ Petition, with a request to expedite the disposal of the suit. It is pointed out that the suit is of the year 2009 and presently, the petitioner no.4 (Nevil Basilio Furtado) is under cross examination. It is submitted that there is already an order passed by the learned District Judge, restraining the respondents or anybody on their behalf from demolishing or damaging any structure existing either in Survey No.12/6 or 12/7 of village Sernabatim, Taluka of Salcete, Goa. The learned Counsel submits that the respondents be restrained from interfering with the area falling in Survey No.12/7, except an area admeasuring 80 square metres, which is abutting the structure standing in Survey No.12/6.

2. Shri Coutinho, the learned Counsel for the respondents has no objection for the same.

3. Considering the fact that the suit is of the year 2009 and is part heard, the suit can be expedited.

4. In the result, the following order is passed by consent of parties:-

(a) The petition is disposed of as withdrawn, with no order as to costs.

(b) In addition to the injunction granted by the learned District Judge, it is further directed that the respondents shall not interfere with the area falling in Survey No.12/7, except an area admeasuring 80 square metres, which is abutting the structure standing in Survey No.12/6.

(c) The Trial Court shall decide the suit as expeditiously as possible and in any event, within a period of one year from the receipt of this order.

(d) Parties to co-operate for the time bound disposal of the suit.

(e) All rival contentions of parties on merits are left open.

C. V. BHADANG, J.

EV