

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 30 OF 2009

VIVEK GOVIND PANVELCAR AND 8 ORS., ... Appellants
Versus
THE COMUNIDADE OF TALEIGAO
THROUGH ADMINISTRATOR OF
COMUNIDADE ... Respondent

Mr. R. G. Ramani, Advocate for the appellants.

Mr. P. Arolkar, Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 4th July, 2017

P.C.

Heard Shri Ramani, the learned Counsel for the appellants and the learned Counsel for the respondent.

2. Shri Ramani points out that the suit was initially filed before the learned Civil Judge, Senior Division at Panaji. The suit was subsequently transferred for trial to the learned Ad hoc District Judge at Panaji, who by the judgment and decree dated 29/08/2008, has dismissed the suit. Hence, this appeal was filed.

3. The learned Counsel for the appellants points out that this Court in a batch of First Appeals being First Appeal No.284/2008 and others, decided on 05/02/2016 has held that an appeal against the judgment and decree passed by the Ad hoc

District Judge, shall lie before the learned District Judge. He, therefore, submits that this appeal will have to be sent to the learned Principal District Judge, North Goa at Panaji, considering the above judgment and in view of the fact that the valuation of the suit and appeal is Rs.1,10,000/-.

4. Having heard the learned Counsel for the appellant and having gone through the judgment of this Court in First Appeal Nos.284/2008 and others, decided on 05/02/2016, the following order is passed :

ORDER

- (i) The First Appeal be sent to the Court of learned Principal District Judge, North Goa at Panaji for disposal according to law.
- (ii) It will be open for the learned Principal District Judge to allot the First Appeal to the learned Additional District Judge at Panaji, for disposal according to law.
- (iii) Parties to remain present before the learned Principal District Judge, Panaji on 24/07/2017 at 10.00 a.m.
- (iv) The concerned Court shall decide the appeal as expeditiously as possible and preferably, within a period of six months from the receipt of this order.

C. V. BHADANG, J.

SMA