

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.1166 OF 2016**

Mrs. Maria Brazinha Fernandes
wife of late Shri Antonio Joao
Jose Marcel Fernandes,
Aged 71 years, R/o. H.No.603,
Nr. St. Sebastian Chappel,
Dongrim, Majorda, Salcete, Goa.

.... Petitioner

V/s

- 1 State Bank of India, A Bank
constituted under the State
Bank of India Act, 1966
Having its Head Office at
Madam Cama Road, Nariman
Point, Mumbai 400-021
And having its branch office
at 1st Floor, SBLC Building,
Patto Plaza, Panaji, Goa 403-
001, Through its Branch
Manager.
- 2 Mrs. Virginia Lourenco,
wife of Mr. Michael
Lourenco, Major of age (age
not known) R/o. H.No.108,
Nr. Carambolim Church,
Pether Carambolim, Tiswadi,
Goa.
- 3 State of Goa,
Through the Chief Secretary,
Having office at Secretariat,
Porvorim, Goa.
- 4 Additional District
Magistrate,

South Goa District, Margao,
Margao-Goa.

... Respondents

Shri G. Agni, Advocate for the Petitioner.

Shri I. Agha, Advocate for Respondent No.1.

Ms. Priyanka Kamat, Additional Government Advocate for Respondents
No.3 & 4.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date : 8th February, 2017

JUDGMENT : (Per F.M. REIS, J.)

Heard Shri G. Agni, the learned Counsel appearing for the petitioner, Shri I. Agha, the learned Counsel appearing for the respondent no.1 and Ms. P. Kamat, the learned Additional Government Advocate appearing for the respondents no.3 & 4.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the respondents waive service.

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

(i) The impugned order passed under Section 14(1) of the Securitisation And Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 (SARFAESI Act, for short) dated 23/06/2005 shall not

bind only the parties to such proceedings.

(ii) The respondent no.1 is at liberty to proceed to take action against the petitioner and others in respect of the subject loan in terms of the provision of the said SARFAESI Act in accordance with law.

(iii) The petitioner shall furnish the names of all the legal representatives of the deceased Antonio Jaoa Jose Marcelo Fernandes within one week from today.

(iv) Needless to say the impugned order shall operate against other persons in accordance with law.

(v) Rule is made absolute in the above terms with no order as to costs.

NUTAN D. SARDESSAI, J.

F.M.REIS, J.

NH