

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NOS. 1184/2016 to 1191 of 2016
and
STAMP NUMBER MAIN NO.4014/2016

WHITE RAJ RESORTS PVT. LTD.

A private limited compnay

duly incorporated under

Indian Companies Act 1956

represented herein by its authorised

officer Shri Ulhas Datta Warik,

Son of late Datta Warik,

Aged 69 years,

Resident H. No.42/B, Patnem,

Canacona, Goa

... Petitioner

Versus

1. Dr. Shaba Rama Naik Gaonkar @
Chandrakant Rama Naik Gaonkar
Major, age 60 years, married,
Businessman, Resident of Flat
H-B-4-D, 5th floor, Ruby Residency,
Canacona, 403 702, Salcete-Goa.
2. Mr. Vinod Naik,
Major, age 53 years, married,
Businessman, Resident of H.
No.2136, Agalli, Golgol,
Margao-403601- Goa.
3. Mr. Suraj Balliker
Major, 37 years of age,
married, Businessman,
r/o. H.No.262, Deul wada,
Quepem, 403705-Salcete Goa. ... Respondents

Mr. Siddharth Samant, Advocate for the petitioner in all the petitions.

Mr. Rohit Bras De Sa, Advocate for the respondents in all the petitions.

Coram:- C. V. BHADANG, J.

Date:- 30th January, 2017

ORAL JUDGMENT :

Rule, made returnable forthwith. The learned Counsel for the respondents waives service. Heard finally by consent of the parties.

2. All these petitions are between the same parties and they can be conveniently disposed of by this common judgment.

3. The challenge in these petitions is to the order, directing impleadment of the parties in a suit filed by the petitioner. Indisputably, the nine suits out of which, the present petitions arise, are pending on the file of the learned Civil Judge, J.D. at Canacona, while Special Civil Suit No.17/2016 filed by the petitioner against the respondents, relating to the same subject matter, is pending before the learned Senior Civil Judge at Margao.

4. Shri De Sa, the learned Counsel for the respondents, on instructions, states that he will not press for impleadment and

the Civil Suits may be transferred to the file of learned Senior Civil Judge at Margao, where Special Civil Suit No.17/2016 is pending. In other words, the respondents concede for setting aside of the impugned order. The learned Counsel for the petitioner has no objection for transfer of the suits to the Court of learned Senior Civil Judge at Margao. In such circumstances, the petitions are disposed of in the following terms, by consent of the parties :

- (i) The petitions are allowed.
- (ii) The impugned orders dated 21/11/2016 are hereby set aside.
- (iii) Regular Civil Suit Nos.57/2016 to 65/2016 are hereby withdrawn from the file of the learned Civil Judge, J. D. at Canacona and are transferred to the file of the learned Senior Civil Judge at Margao, where Special Civil Suit No.17/2016 is pending.
- (iv) Rule is made absolute in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

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