

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 210 OF 2018

PURUSHOOTAM MAHADEV DABOLKAR., ... Petitioner

Versus

KASHIRAM SADHU MHAMAL AND 2 ORS., ... Respondents

Shri Ashwin D. Bhobe, Advocate for the petitioner.

Shri Prasheen Lotlikar, Advocate for the respondent No.3.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 19th March 2018

ORAL ORDER:

The learned Counsel for the respondents concedes in fairness that the impugned order dated 04/01/2018 could be set aside as it is not in consonance with the law laid down by the Hon'ble Apex Court in Union of India v/s. Ibrahim Uddin [(2012) 8 SCC 148] which held that the stage of consideration of an application under Order XLI Rule 27 C.P.C. should be at the final hearing of the appeal on merit.

2. In view thereof, the impugned order is quashed and set aside and the matter remanded to the District Court for consideration of the application under Order XLI Rule 27 C.P.C. with the appeal on merits.

3. In view thereof, the petition stands disposed off with no order as to costs.

4. The parties are directed to appear before the learned District Court on 26th instant at 10.00hrs.

NUTAN D. SARDESSAI, J.

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