

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NOS. 569 & 570 OF 2018****WRIT PETITION NO. 569 OF 2018**

Goan Residential Resorts Pvt. Ltd., Rep.
by its Director, Daphne Sequeira & 2
Others Petitioners

Versus

Raghubir Singh Panwar, Thr. his Attorney,
Dr. Sudam Bandu Mane & Another Respondents

WRIT PETITION NO. 570 OF 2018

Goan Residential Resorts Pvt. Ltd., Rep.
by its Director, Daphne Sequeira & 2
Others Petitioners

Versus

Tukaram D. Mane, Thr. Attorney, Dr.
Sudam Bandu Mane & Another Respondents

Shri C.A. Ferreira, Advocate for the Petitioners.

Shri Yogesh V. Nadkarni, Advocate for the Respondent No. 1.

CORAM : C.V. BHADANG, J.

DATE : 30th NOVEMBER 2018

ORAL ORDER:

Both these petitions involve common and connected questions, as such, they are being disposed of by this common order.

2. Heard Shri Ferreira, the learned Counsel for the petitioners and Shri Nadkarni, the learned Counsel for the respondent no. 1. Perused record.

3. The only contention raised on behalf of the petitioners is that Mr. Eric Sequeira (judgment debtor no. 2) was the Chairman of the Company, who died after the decree was passed and now, the decree is sought to be executed against the petitioners, who are the legal representatives of Mr. Eric Sequeira. It is contended that the legal representatives of Eric Sequeira cannot be held responsible to satisfy the decree.

4. Shri Nadkarni, the learned Counsel for the respondent no. 1 has supported the impugned order, by which, the Trial Court has held that since the legal representatives have succeeded to the assets left by Eric Sequeira, they are liable to satisfy the decree.

5. On hearing the learned Counsel for the parties, I do not find that any case for interference is made out. The Executing Court is right in holding that as the legal representatives have succeeded to the assets of Eric Sequeira, they would also be liable to satisfy the decree, by which, the

Company and late Eric Sequeira were jointly and severally held liable to pay the amount as decreed. In that view of the matter, the petitions are dismissed. Needless to mention that the Executing Court shall proceed to execute the decree, having regard to the provisions of Section 50 of the Code of Civil Procedure. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

EV