

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 993 OF 2017

SITAKANT KASHINATH PARAB., ... Petitioner

Versus

THE GOA HOUSING BOARD, THR. ITS
MANAGING DIRECTOR AND ANR., ... Respondents

Shri Joaquim Godinho, Advocate for the petitioner.

Shri Hanumant D. Naik, Advocate for the respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 9th March 2018

P.C.

The challenge in this petition is to the order dated 26/07/2017 passed by the learned District Judge in Civil Misc. Application No.170/2017. That was an application filed under Section 24 of the C.P.C., for transfer of RCA No.75/2017 from the Court of learned District Judge-2, North Goa at Mapusa to the Court of learned District Judge-1, North Goa at Mapusa, where CMA No.14/2017 is pending. CMA No.14/2017 is for taking action for breach of an injunction and is filed under Order XXXIX, Rule 2A read with Rule 11 of C.P.C. Admittedly, RCA No.75/2017 and CMA No.14/2017 are between the same parties and arise out of Regular Civil Suit No.1/2012.

2. Shri Naik, the learned Counsel for the first respondent, in all fairness, submitted that he has no objection to the placing of RCA No.75/2017 and CMA No.14/2017 before the same Court.

3. In such circumstances, the petition is allowed. The impugned order is hereby set aside. CMA No.14/2017 is hereby withdrawn from the file of the learned District Judge-1, North Goa at Mapusa and is transferred to the file of learned District Judge-2, North Goa at Mapusa, for disposal according to law.

C. V. BHADANG, J.

SMA