

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 87 OF 2019

DEVENDRA RAGHURAJ DESHPRABHU AND 3
ORS., ... Petitioners

Versus

SHILPA SATISH UGRANKAR [NEE:
ANJALIKA RAGHUNATHRAU PRABHU
DESSAI DESHPRABHU RAU RAJE AND 5
ORS., ... Respondents

Mr. Parag S. Rao, Advocate for the Petitioners.

Mr. Sudin Usgaonkar, Senior Advocate with Ms. Tanvi Kamat
Ghanekar, Advocate for Respondent Nos. 1 to 4.

Ms. Laxmi Sawant, Advocate for Respondent No. 6.

Coram:- C. V. BHADANG, J.

Date:- 15th July 2019

P.C.

The challenge in this petition is to the order dated 17.01.2019, permitting unconditional withdrawal of the suit by the respondents.

2. Mr. Rao, the learned Counsel for the petitioners, on instructions and in all fairness, restricts the challenge in the petition to the non-grant of costs by the Trial Court. The only contention raised in this petition is that the Trial Court ought to have granted costs to the petitioners, as the petitioners were required to contest the suit from the year 2007.

3. The record discloses that the respondents had filed an application (Exhibit-96), for withdrawal of the suit and the petitioners had filed an application (Exhibit-97), seeking time to file reply to the application (Exhibit-96).

4. The learned Trial Court was not inclined to grant time and allowed the withdrawal of the suit. Even if, the Trial Court was not inclined to grant time, atleast, the Trial Court should have ascertained from the petitioners whether, they are pressing for costs.

5. Mr. Usgaonkar, the learned Senior Counsel for the respondent nos. 1 to 4 (original plaintiffs), on instructions, states that the respondent nos. 1 to 4 are ready and willing to deposit costs of Rs.1 lakh.

6. In my considered view, it would be appropriate to direct the respondent nos. 1 to 4, to deposit costs of Rs.1 lakh, within two weeks from today, out of which, Rs.50,000/- shall be paid to the Goa State Legal Services Authority and the remaining amount of Rs.50,000/- shall be paid to the petitioners. Ordered accordingly.

7. The petition is disposed off in the aforesaid terms.

C. V. BHADANG, J.

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