

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 280 OF 2019

IN

APPEAL FROM ORDER NO. 30 OF 2018

ANDRE DE MENEZES AND ANR.,

... Applicants

Versus

BRENDA NAZARETH MENEZES AND 6
ORS.,

... Respondents

Shri Parag S Rao, Advocate for the applicants.

Shri M.B. D'Costa, Senior Advocate with Shri G. Monteiro,
Advocate for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 11th March 2019

P.C.:

Affidavit in reply on behalf of the respondents No.1 to 6
filed.

2. Considering paragraph No.5 of the Affidavit in reply filed on behalf of the respondents No.1 to 6 wherein the respondents have no objection if the appeal is heard expeditiously, the application is allowed. Since however a point has been canvassed on behalf of the respondents/the original appellants that the learned Judge had not considered the judgment of the Hon'ble Apex Court cited during the proceedings, and as there is no serious objection on behalf of Shri P.S. Rao, learned

Advocate for the original applicants/ respondents, the impugned order is quashed and set aside and in the interest of justice the matter is remanded to the Court of the Senior Civil Judge, 'B' Court Panaji.

3. The Parties are directed to appear before the learned Senior Civil Judge, B Court, on 25/03/2019 at 14.30hrs. The Registry of the learned Civil Court to transfer the proceedings to 'B' Court for disposal in accordance of law.

4. The Appeal from Order also stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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