

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 735 OF 2018

CYRIACO RODRIGUES, THR. POA BY
PETITIONER NO. 2 AND ANR.,

... Petitioners

Versus

ANTHONY RODRIGUES AND 5 ORS.,

... Respondents

Adv. Ms. Ankita Kamat for the Petitioners
Adv. Sanman R. Keny for Respondent nos.1 & 2

Coram:- C. V. BHADANG, J.

Date:- 29th January 2019

P.C.:

Ms. Kamat, the learned counsel for the petitioners, on instructions, seeks leave to withdraw the petition with liberty to move an application for appointment of a commissioner, if so advised, at a later stage.

2. It is submitted that by the impugned order the application for appointment of commissioner has been rejected only on the ground that the petitioners have not sought mandatory injunction. The learned counsel for the petitioners submits that the petitioners are desirous of moving an application for amendment of the plaint to incorporate a plea for mandatory injunction.

3. Be that as it may, in view of the specific statement on behalf

of the petitioners, the petition is disposed off as withdrawn. Needless to mention that the petitioners shall be at liberty to move for appointment of a commissioner at a later stage. If such an application is filed, the trial court shall decide the same on its own merits.

4 In the circumstances there shall be no order as to costs.

C. V. BHADANG, J.

ap/-