

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.67 OF 2018

Malwan Hotels Pvt. Ltd.		Appellant.
Versus		
Rosendo Mendonsa and another.		Respondents.

Mr. Ashwin D. Bhobe, with A. Fernandes and Ms. K. Govekar,
Advocates for the Appellant.

Mr. C. A. Ferreira, with Mr. A. Andrade, Advocate for Respondent
No.1.

Mr. Shivan Desa, Advocate for Respondent No.2.

***Coram : M.S. Sonak &
Nutan D. Sardesai, JJ.***

Date : 1st October, 2019.

ORAL ORDER :- (Per M.S. SONAK, J.)

Heard Mr. A.D. Bhobe for the Appellant, Mr. C.A. Ferreira
for Respondent No.1 and Mr. Shivan Desai for Respondent No.2.

2. After this matter was argued for sometime, the learned
Counsel for the parties agree and consent to the disposal of this
Appeal by making the following order :

(A) The impugned order dated 6/2/2018 is hereby set aside.
However, setting aside of the impugned order, will not preclude the
Respondents herein from urging, *inter alia*, the same grounds in

order to seek the dismissal of the suit on merits.

(B) The Respondents are at liberty to take out appropriate application before the Trial Court objecting to the territorial jurisdiction of the Trial Court to entertain the suit.

(C) Such an application, if taken out, will be decided on its own merits and in accordance with law.

(D) Consequent upon setting aside of the impugned order, Special Civil Suit No. 10/2013/A is restored to the file of the Court of Civil Judge, Senior Division, 'A' Court, Mapusa.

3, Parties to appear before the Trial Court on 5th November, 2019 at 10.00 a.m. and file an authenticated copy of this order.

4. The Appeal is disposed of in the aforesaid terms. There shall be no order as to costs.

Nutan D. Sardesai, J.

M.S. Sonak, J.