

IN THE HIGH COURT OF BOMBAY AT GOA

LETTER PATENT APPEAL NO. 8 OF 2014

IN

WRIT PETITION NO. 33 OF 2013

COMMUNIDADE OF COLVALE THROUGH ITS
ATTORNEY SERVO FERNANDES ... Appellant

Versus

YOGESHWAR G. TAMONKAR AND 12 ORS. ... Respondent

Mr. Gaurish N. Agni, Mr. Tanmai Gawas and Ms. Ruchika Mishra,
Advocates for the Appellant.

Mr. S. D. Lotlikar, Senior Advocate with Mr. J. Karn, Advocate for
Respondent Nos.1,2, 3 and 9.

Mr. P. S. Sawant, Advocate for Respondent Nos.4,5,7 and 8.

Ms. Priyanka Kamat, Addl. Government Advocate for Respondent
Nos.10 to 13.

***Coram:- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.***

Date:- 3rd July 2019

P.C.

Heard learned counsel for the parties.

2. After the matter is heard at some length, it is agreed between learned counsel for the contesting parties, namely, the Appellant and Respondent Nos.1 to 9 (including Respondent

Nos.6(a) to 6(j)) that the impugned order of the learned Single Judge may be set aside and the matter be remanded to the learned Single Judge for a fresh hearing in accordance with law. This Court is informed that a substantive challenge on the part of the Appellant herein to the declaration of tenancy purportedly made in favour of Respondent Nos.1 and 2 herein as also to the entries made in the record of rights in favour of Respondent Nos.1 to 3 has been pending before the learned Single Judge. It is agreed that the original petition, i.e. Writ Petition No.33 of 2013, out of which the present Letters Patent Appeal arises, shall be heard along with those matters. It is ordered accordingly. The Letters Patent Appeal is disposed of. All rights and contentions of the parties on merits are kept open. The State is directed to keep the original record in safe custody and make the same available before the learned Single Judge at the time of hearing of the matters.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

at*