

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 896 OF 2018

SHOBHA P. BORKAR., ... Petitioner

Versus

THE MAZANIA OF THE TEMPLE OF SHRI
MAHALSA SAUNSTHAN OF MARDOL, REP.
BY ITS ATTORNEY, AND ANR., ... Respondents

Mr. Ashwin D. Bhobe and Ms. Annelise Fernandes, Advocate
for the Petitioner.
Mr. S.D. Lotlikar, Senior Advocate with Ms. Araujo, Advocate
for the Respondent no.1.
Mr. Jatin Ramaiya, Advocate for the Respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 3rd July 2019

ORAL ORDER

This petition can be disposed off on a short count by consent of parties.

2. The petitioner (defendant no.1) had sought for stay of the suit on the ground that the purchase proceedings under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 were pending before the Mamlatdar. That application, exhibit 45, was rejected by the learned Trial Court on 04.07.2018 which order is subject matter of challenge in this petition.

3. It is undisputed that the purchase proceedings have

proceeded further and the land which the petitioner is entitled to purchase has also been demarcated. The learned Counsel for the petitioner has produced the demarcation report dated 11.03.2019 of the Field Surveyor on record.

4. Mr. Lotlikar, the learned Senior Counsel for the respondents, on instructions, submitted that the respondents have no objection for purchase of the said land by the petitioner in accordance with the provisions of the Act and the Rules framed thereunder.

5. In such circumstances, the parties submit that the present petition can be disposed off and after the purchase proceedings are finalised, the parties shall produce appropriate Consent Terms before the Trial Court in the suit. If such Consent Terms are filed, the Trial Court shall pass appropriate order in accordance with law.

6. The present petition is disposed off in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

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