

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.16 OF 2019

1. Smt. Aparna U Nagewekar,
66 years of age, married,
Indian National, wife of
Umakant S. Nagewekar,
d/o late Krishnabai Datta Porob
2. Umakant Nagewekar,
68 years of age, married,
Indian National, S/o Shanta Nagewekar,
Both residents of H. No.421,
Penha de France, Bardez, Goa. ... Petitioners

V e r s u s

1. Mr. Mahesh Mangesh Karande,
alias Mahesh M. Karande,
60 years of age, married
Son of late Mr. Mangesh Vinayak
Karande, alias Mangesh Karande
alias Madhu Karande and his wife
2. Mrs. Vandana Mahesh Karande,
51 years of age, married,
wife of Mahesh M. Karande,
both resident H. No.269, Mangeshi,
Mardol, Fonda, Goa.
3. Mrs. Shubhada Satish Panandikar
alias Shubhada Satish Pai Panandikar,
alias Shubhada Panandikar alias
Shobhada Satish Palandekar,
58 years of age, married,
wife of Mr. Satish Panandikar alias
Satish Palandekar and her husband
4. Mr. Satish Panandikar alias
Satish Palandekar, 62 years of age,
married, Son of Suryaji Panandikar
alias Suryaji Pal Panandikar,
Both resident of H. No.198/4,
Madlomdo Vanelim, Saleem,
South Goa.

5. Mrs. Sheetal Anay Sambari Alias Shital Anay Sambari alias Shital Anay S. Sambari alias Sheetal Anya Sambhari
57 years of age, married,
wife of Mr. Anay Sambari alias Anay Sambari, and her husband,
6. Mr. Anay Sambari alias Anay Sambhari alias Anya Vishnu Sambari,
64 years of age, married,
Son of Mr. Vishnu Balkhu Sambari
Both resident of H. No.A2/S1,
Rajniketan Co-op HSG Society Ltd.,
Near Saraswati Mandir Tisk Ponda,
North Goa.
All legal heirs of late Sunita Karande and Manguesh Karande.
7. M/s. Vision India Infraestate Private Limited, A Company, having registered office at Shop no.4, Opposite Metro Pilar, No.55, Sikandarpur, Gurgaon, 122004, Represented by authorised signatory Mr. Danny Fernandes, S/o. Mr. Lucas F. M. Fernandes, 38 years of age, married, resident of H.No. 34/A[931], Church Street, Alto, Porvorim, Bardez, Goa. ... Respondents

Mr. Marvin D' Souza, Advocate for the Petitioners.

Mr. V. Naik, Advocate for the Respondent no.7.

Coram :- C. V. BHADANG, J.

Date :- 18th September 2019.

ORAL JUDGMENT

1. Rule, made returnable forthwith. The learned Counsel for the contesting respondent no.7, waives service. Heard forthwith by consent of parties.

2. The challenge in this petition is to the order dated 09.07.2018 passed by the learned Senior Civil Judge at Mapusa, in Special Civil Suit No.20/2016/B. By the impugned order, the learned Trial Court has dismissed an application (exhibit D-37) for extension of time/condonation of delay in filing written statement in response to the counter claim filed by the respondent no.7 (original defendant no.7).

3. I have heard Mr. D' Souza, the learned Counsel for the petitioner and Mr. Naik, the learned Counsel for the contesting respondent no.7. (original defendant no.7). The other respondents have chosen not to appear though served.

4. On hearing the learned Counsel for the parties and on perusal of record, it appears that the original defendant nos.1 to 6 have filed a separate counter claim to which the petitioners/plaintiffs have already filed their written statement on 03.05.2017. Even so far as the counter claim raised by the original defendant no.7 is concerned, the petitioner filed the written statement (exhibit D-36) on 12.08.2017 and subsequently filed an application, exhibit D-37, on 25.09.2017, which was the next date of hearing, which application has been dismissed by the learned Trial Court by the impugned order.

5. I find that the petitioner needs to be granted leave to file the written statement even so far as the counter claim filed by the defendant no,7 is concerned.

6. The petition is accordingly allowed. The impugned order is hereby set aside. The application, exhibit D-37, is allowed as prayed.

7. Rule is made absolute in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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