

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.195 OF 2013
WITH
WIT PETITION NO.13 OF 2014****WRIT PETITION NO.195 OF 2013**

**LAXMAN SANVLO SHETKAR REP. BY
THEIR ATTORNEY AMRUT BHUTO SHETKAR
AND 19 ORS.,** **... Petitioners**

Versus

**RATNAKAR BHASKAR SHETKAR AND 13
ORS.,** **... Respondents**

Adv. D. J. Pangam for the Petitioners.

Adv. Galileo Francisco Teles for Respondent nos. 1 To 4.

Adv. L. Raghunandan for the Respondent no.15.

WITH

WRIT PETITION NO.13 OF 2014

RATNAKAR BHASKAR SHETKAR AND ANR., **... Petitioners**

Versus

**LAXMAN SANVLO SHETKAR REP., BY
THEIR ATTORNEY, AMRUT BHUTO
SHETKAR AND 20 ORS.,** **... Respondents**

Adv. Galileo Francisco Teles for the Petitioners.

Adv. D. J. Pangam for the Respondents.

CORAM: C. V. BHADANG, J.

Date: 15th April, 2019.

ORAL ORDER:

Both these petitions are between the same parties and they involve a

challenge to the order dated 30/7/2012 passed by the learned trial court in Regular Civil Suit No.52/2004/B. By the impugned order, the learned trial court has allowed application (Exhibit 115) filed by the original defendant nos.1 and 2. Although by the said application, the original defendant nos.1 and 2 had sought their deletion from the suit, the learned trial court in its discretion, has allowed the deletion of the defendants nos. 1 and 3 and consequently the suit is dismissed as against the defendant nos.1 and 3. Feeling aggrieved by the said order, the plaintiff as well as the original defendants have approached this Court.

2. The learned counsel for the parties, on instructions, submitted that the application (Exhibit 115) can be remitted back to the trial court, for deciding it afresh, in accordance with law. The learned counsel for the parties submit that this Court may not record detailed reasons for the same. In such circumstances, both the petitions are disposed off by consent of parties in the following terms:

O R D E R :

- (i) The petitions are partly allowed.
- (ii) The impugned order is hereby set aside.
- (iii) Application Exhibit 115 is restored back to the file of the learned trial court, for disposal according to law.

- (iv) The trial court to decide the application as expeditiously as possible and preferably within a period of three months from the receipt here of.
- (v) Rival contentions of the parties are left open.
- (vi) In the circumstances, there shall be no order as to costs.

C . V. BHADANG, J.

Ap/