

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1171 OF 2018

SADANAND ROGUVIR LOTLIKAR AND 5
ORS.,

... Petitioners

Versus

SUSHEELA ROGUVIR LOTLIKAR AND 8
ORS.,

... Respondents

Shri Anthony Joe D'Silva, Advocate for the petitioners.

Shri Usgaonkar Sudesh Manohar and Ms. R. Pereira, Advocates
for the respondents No.2,3,5 & 6.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 12th April 2019

P.C.:

Heard Shri Anthony Joe D'Silva, learned Advocate for the petitioners and Shri Usgaonkar Sudesh Manohar, learned Advocate for the respondents No.2,3,5 & 6.

2. Shri Usgaonkar, learned Advocate invited attention to the records of the Trial Court by placing a copy of the Roznama of various dates to show that the petitioners were themselves responsible for inviting the order of the Trial Court on a solitary exhibit rather than the application being heard with the appeal on merits. It is not open to the petitioners to now make a grievance that the learned Trial Court had passed the order only on one application and to challenge the same by invoking the

writ jurisdiction of this Court.

3. Having considered the submissions of Shri Usgaonkar Sudesh Manohar, learned Advocate on this aspect and that of Shri Anthony Joe D'Silva, learned Advocate for the petitioners.No.2,3,5 & 6, i deem it appropriate in the circumstances to quash the impugned order. The matter is remanded to the learned Court of the District Judge - IV, South Goa, Margao to decide the application alongwith the main appeal on merits.

4. In these terms the petitions stands disposed off.

NUTAN D. SARDESSAI, J.

mv