

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 24 OF 2021
&
MISC. CIVIL APPLICATION NO. 25 OF 2021.
IN
IN APPEAL FROM ORDER NO. 35 OF 2017.

Ernesto Reis Alvares

...Petitioner.

Vs

... Respondents.

Sucarbhai Naranbhai @ sucar
Naran Bakla @ Sukar Tandel(dec)
thr. His Lrs and 3 ors.

Shri D. Lawande and Shri G. Nadkarni, Advocates for the petitioner.

Shri M. Salkar, Govt. Advocate for the respondent nos. 2, 3 and 4.

Ms. M. Ansari, Advocate for the respondent no.1.

Coram: DAMA SESHADRI NAIDU, J.

Date : 16th March 2021

P.C.

Appellant's counsel informs me that the appellant came to know about certain documents which would have an impact on the order impugned. According to him, had the appellant known about those documents at the beginning, he would have relied on them before the trial Court. And that could have altered the outcome before the trial Court. Besides that, the learned counsel also stresses on certain subsequent developments.

2. To have those recently discovered documents on record and to plead about the subsequent developments, the appellant is said to have already applied under Order 39, Rule 4 of CPC to the trial Court. In that application, he seems to have prayed for the trial Court's withdrawing or modifying the impugned order.

3. Therefore, the appellant wants to withdraw these two MCAs in this Appeal from Order. Liberty is granted and those MCAs are closed as withdrawn.

4. That said, the appellant's counsel wants to argue the Appeal from Order on the merits subject to its sustainability procedurally.

Let the matter be listed on 23.3.2021.

DAMA SESHADRI NAIDU, J.

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