

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.11 OF 2020

ANTONIO TEODORO
MARQUES @ ANTHONY
THEODORE MARQUES.,

... Applicant

VS

ELEUTERIO SOCORRO
MARQUES @ SOCORRO EL.
MARQUES.,

... Respondent

Applicant present in person.

Mr. Rohit Bras De Sa, Advocate for the Respondent.

Coram : M. S. SONAK, J

Date : 17th February, 2021

P.C.

According to me, a Civil Revision Application is not maintainable. However, the Petitioner is appearing in person. Further, after the matter was heard for some time, both the Petitioner as well as the learned counsel for the Respondent have adopted extremely reasonable stance and agreed that the matter can be sorted out by appointment of Commissioner. However, Mr. Rohit Bras De Sa, learned counsel for the Respondent pointed out that mere appointment of Commissioner without fixing terms of reference will be given productive and will not assist the effective resolution of disputes between the parties. This submission is correct and deserves acceptance.

2. Therefore, the impugned order is reversed and the learned Trial Judge is directed to appoint a Commissioner. However, before the Commissioner actually executes commission, the Trial Court should, on hearing the parties and the learned counsel for the parties finalize the terms of reference. The Commissioner to thereafter proceed on the basis of such finalized terms of reference.

3. The Trial Court should endeavour to finalize the terms of reference as expeditiously as possible and in any case within a period of two months from the date of parties producing authenticated copy of this order before it. The Trial Court should make appropriate orders in relation to fees of the Commissioner.

4. Parties to appear before the Executing Court on 27th February, 2021, which is even otherwise scheduled date and file authenticated copy of this order.

5. This revision application, which is now treated as a petition under Article 227 of the Constitution of India is disposed of. There shall be no order as to costs.

6. Pending application does not survive and same is disposed of.

7. All concerned to act based on the authenticated copy of this order.

M. S. SONAK, J

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TARI AMRUT
NAGESH

 Digitally signed by TARI AMRUT
NAGESH
Date: 2021.02.20 14:08:46 +05'30'