

IN THE HIGH COURT OF BOMBAY AT GOA

WP/1104/2018

LADU JAIDEV MAINIKAR
(DEC) AND 3 ORS.,

..... PETITIONERS

VS

SHASHIKANT RAUJI
BORKAR.,

..... RESPONDENTS

Mr. Siddharth Samant, Advocate for the Petitioners.

Mr. V. A. Lawande, Advocate for the Respondent.

CORAM: M. S. SONAK, J.

DATE : 22nd June, 2021.

Oral Order:

Heard Mr. Siddharth Samant, the learned counsel for the petitioners and Mr. V. A. Lawande, the learned counsel for the respondent.

2. After the matter was argued for some time, Mr. Samant, the learned counsel for the petitioner based on instructions, from the petitioners, seeks leave to withdraw this petition. He, however, submits that the proceedings before the trial Court may be ordered to be expedited.

3. He points out that the issue of tenancy has been raised before the Mamlatdar way back in the year 2018 and till date the matter has not proceeded. He pointed out that no hearing whatsoever has taken place before the Mamlatdar, who is now vested with the jurisdiction to decide such an issue.

4. Leave is granted to withdraw this petition. At the same time, it is made clear that the suit will have to be decided by the learned trial Court without being influenced by any observations made by the trial Court or the first

Appellate Court at the interim stage. The suit will have to be decided on its own merits and accordance with law based on the evidence which is the parties lead before the the trial Court.

5. Further the petitioners are granted liberty to apply before the concerned Mamlatdar for expeditious disposal of the issue which has been referred.

6. If such an application is made, the Mamlatdar will consider the same and endeavour to dispose of the issue as expeditiously as possible and in any case within a period of one year from the date such an application is made or allowed.

7. The Mamlatdar, will no doubt offer fair opportunity to both the parties.

8. With the aforesaid observations and liberty, this petition is disposed of.

9. There shall be no order as to costs.

M. S. SONAK, J.

Ap/-

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by MARIA AURA
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