

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 89 OF 2022

MARIA VERONICA ALIANA DIAS E
VELHO @ VERONICA VELHO ... PETITIONER
VS
VIKRAM FERNANDO VELHO @
VIKARAM VELHO AND 4 ORS. ... RESPONDENTS

Mr. Kaif Noorani, Advocate for the Petitioner.

Mr. S. Desai, Senior Advocate with Mr. Pavithran A.V.,
Advocate for Respondent Nos. 1 and 2.

Mr. B.V. Thali, Advocate for Respondent No. 3.

Mr. Gaurish Agni, Advocate for Respondent No. 4.

CORAM: A.K. MENON, J.

DATED: 21st MARCH 2022

P.C.:

1. The grievance of the petitioner is that an Application for withdrawal of the suit filed by the petitioner at Exhibit-D/9, before the trial court has not been heard and that there is unreasonable delay in disposing of that Application. Respondent nos. 5 and 6 are the sons of the petitioner. Respondent no. 6 has filed Regular Civil Suit No. 29/2018/B on behalf of the petitioner herein

purporting to act as her next friend and guardian, seeking a declaration that the petitioner herein is incapable by reason of mental infirmity from protecting her interests and for appointment of a guardian for various reasons as set out in the plaint. It is not in dispute that the petitioner has now personally filed an Application for withdrawal of that suit. The present Petition is also filed by the petitioner and verified by the petitioner personally. The withdrawal Application has been heard from time to time. The grievance of the petitioner is that the Application for withdrawal of the suit ought to have been heard promptly since Exhibit-D/9 dated 07.04.2018 has been pending now for long time. It is the case of the petitioner that the above suit was filed without any authority and that the petitioner is capable of taking her own decisions and that she does not need a next friend to protect her. It is contended that she is perfectly capable and can defend her rights and that she does not need any one for protecting her interests.

2. Exhibit-D/9 is now listed for hearing on 01.04.2022. All the parties today agree that the trial court can now proceed to hear and dispose the Application at Exhibit D/9. All the Counsel appearing on behalf of respective parties agree that none of the

parties will seek any adjournment before the trial court. In view thereof, there is no need to interfere in this Petition.

3. In view of the above, I pass the following order:

(a) The trial court to hear the Application at Exhibit-D/9 at its earliest convenience and to ensure that adjournments are not granted, unless the trial court finds it absolutely necessary to do so.

(b) Needless to mention, the Application at Exhibit-D/9 will be decided on its own merits without being influenced by the rival contentions in the present Petition.

4. The Writ Petition is disposed in the above terms.

A.K. MENON, J.

VAIGANKAR
ESHA SAINATH

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VAIGANKAR ESHA SAINATH
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