

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 81 OF 2011

SANATAN SANSTHA THROUGH ITS
MANAGING TRUSTEE SHRI. VIRENDRA
PANDURANG MARATHE ... Appellant

Versus

RAJU NAYAK AND 2 ORS. ... Respondents

Mr. Nagesh Joshi Takbhate, Advocate for the Appellant.

Mr. V. A. Lawande, Advocate for Respondent No.1.

WITH

STAMP NUMBER (APPLN) NO.783 OF 2020 (Filing No.)

IN

FIRST APPEAL NO. 81 OF 2011

RAJU NAYAK ...Applicant

Versus

SANATAN SANSTHA,
THROUGH ITS MANAGING
TRUSTEE, VIRENDRA
PANDURANG MARATHE ...Respondent

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

Mr. Nagesh Joshi Takbhate, Advocate for the Respondent.

**CORAM: M. S. SONAK &
R. N. LADDHA,JJ**

DATED : 22nd August 2022

P.C.:

1. Heard Mr. Nagesh Joshi Takbhate, learned counsel for the Appellant and Mr. V. Lawande, learned counsel for Respondent No.1.

On 24.01.2022 after hearing the matter for some time, this Court made the following order:-

“ After this matter was argued for some time, the learned Counsel for the parties state that they will explore the possibility of a settlement. The learned Counsel for the parties state that this matter may be adjourned by 6 weeks in order to enable the parties to do the needful in the matter.

2. Accordingly, stand over by 6 weeks.”

2. Today, the learned counsel report that the parties have settled the matter and the Appellant does not wish to pursue this appeal any further. However, Mr. Takbhate, learned counsel for the Appellant submitted that if the appeal is withdrawn simpliciter then, there is a possibility that the impugned order dated 21.12.2010 made by the learned Civil Judge Senior Division, Ponda might be cited as a precedent or otherwise may use in other similar proceedings. Mr. Takbhate, therefore, requests that this aspect may be clarified by this Court.

3. Accordingly, because the appeal is not to be pursued that does not mean that we have gone into the merits of the matter and decided the matter one way or the other. Besides, the decisions of the learned Trial Court are normally not to be treated as precedent. In this particular case, therefore, we clarify that the impugned order dated 21.12.2010 is not to be treated as precedent in any future cases. The issues raised in this appeal are therefore kept expressly open for decision if and when any occasion for the same arises.

4. With the aforesaid clarification, Mr. Takbhate, learned counsel for the Appellant based on instructions from the Appellant seeks leave to withdraw this appeal. Accordingly, leave is granted and this appeal is disposed of as withdrawn.

5. The Appellant shall be entitled to refund the proportionate court fees in this appeal in terms of the rules as may be applicable.

6. Misc. Civil Applications, if any, will not survive with the disposal of the main appeal. Accordingly, such Misc. Civil Applications are also disposed of.

R. N. LADDHA,J

M. S. SONAK, J

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH
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