

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 359 OF 2021

MPA DISTRIBUTORS, REP. BY ITS
SOLE PROP., BABU P. GOPAL ...PETITIONER
VS
SPIRIT DE GOA, REP. BY ITS SOLE
PROP., MARIANO SEQUEIRA ...RESPONDENT

Mr. Ravi Gawas, Advocate for the Petitioner.

Mr. Jatin Ramaiya, Advocate for the Respondent.

CORAM: A.K. MENON, J.
DATED: 29th MARCH 2022.

P.C.:

1. By this Petition, the petitioner/original defendant seeks to assail an order dated 05.03.2020, passed by the Principal District Judge, Margao in Special Civil Suit No. 22/2019, which is transferred to Additional Civil Judge Senior Division at Margao and now registered as Commercial Suit No. 25/2020/I.

2. On behalf of the respondent, the learned Counsel stated that he has instructions to consent for taking the written statement on

file, however, he submits that some order on costs may be passed. It appears that the written statement is already on the file of the Court, however, it is yet to be formally treated as filed.

3. In these circumstances, the petitioner is permitted to file written statement subject to the petitioner paying costs of ₹20,000/- to the respondent, within four weeks from today. The payment of costs shall be a condition precedent. On payment of such costs, the Trial Court shall treat the written statement as filed. Needless to mention, if the petitioner fails to pay the said amount of costs within the stipulated period of time, the order passed today by this Court shall stand recalled without further reference to Court and the Writ Petition shall stand dismissed.

4. The Petition is disposed in the above terms.

A.K. MENON, J.