

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.249 OF 2021

EMELIA BRAGANZA E FERNANDES ... Petitioner

Versus

QUEENY BRAGANZA E
COTA AND 16 ORS. ... Respondents

Mr. Dharmanand Vernekar, Advocate for the Petitioner.

Mr. B. Rodrigues, Advocate for Respondent Nos.1 and 2.

CORAM: M. S. SONAK, J.

DATED : 26th August 2022

P.C.:

1. Heard Mr. Vernekar, learned counsel for the Petitioner and Mr. Rodrigues, learned counsel for Respondent Nos. 1 and 2 who are contesting Respondents.

2. After this matter was heard for some time, learned counsel agree that this matter can be disposed of by making the following order:

(a) The impugned order dated 26.07.2019 made by the Joint Mamlatdar in case No. JM-IV/MCA/1/2018 and judgment and order dated 25.11.2020 made by the Additional Collector – II, South Goa District, Margao, in case No.1-2020/MCA-REV/AC-II are hereby set aside;

(b) The Petitioner is impleaded as Respondent in the above case before the Joint Mamlatdar, Salcete;

(c) The Petitioner is granted liberty to file her response to the application made by the Respondent Nos. 1 and 2 on 12.12.2017 within 15 days from today. If no such reply is filed, the Petitioner will forfeit the right to file reply;

(d) If the Respondent Nos. 1 and 2 wish to file rejoinder, they may do so within one week from the receipt of the reply;

(e) The Joint Mamlatdar should then dispose of case No. JM-IV/MCA/1/2018 as expeditiously as possible and in any case within three months from the Respondent Nos. 1 and 2 filing their rejoinder. If no reply is filed within 15 days from today, then, the Joint Mamlatdar should dispose of the case within four months from today;

(f) All contentions of all parties on merits are left open to be adjudicated by the Joint Mamlatdar in accord with law;

(g) None of the parties should delay the proceedings before the Joint Mamlatdar. If the Joint Mamlatdar finds that any parties, including the Petitioner, is delaying the proceedings, the Joint Mamlatdar is free to take appropriate action in accord with law;

(h) The interim order granted by this Court in this petition, will operate until the disposal of the proceedings by the Joint Mamlatdar within the timeline indicated above;

(i) The Joint Mamlatdar should not be influenced by the interim order made by this Court and the matter should be decided on its own merits and in accord with law.

3. With the aforesaid directions, this petition is disposed of.

4. All concerned to act on the basis of the authenticated copy of this order.

M. S. SONAK, J.

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH
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