

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 210 OF 2022

Navdas D. Naik & anr.	... Petitioners
<i>Versus</i>	
Gulaxinim Dayanand Naik & anr.	...Respondents

Mr. S. S. Kakodkar, Advocate *for the Petitioners.*
Mr. H. D. Naik, Advocate *with Mr. A. Naik, Advocate for the Respondents.*

CORAM: B. P. COLABAWALLA, J
DATED: 12th JANUARY 2023

P.C.

1. After the above Writ Petition was heard for sometime, and I was not inclined to entertain it, the learned Counsel appearing on behalf of the Petitioner, on instructions, sought leave to withdraw the above Writ Petition. It was however submitted that by the order passed by the District Court, South Goa, at Margao, in Misc. Civil Appeal No. 49 of 2021 (dated 05.03.2022), the Appellate Court had directed that interested Parties Nos. 1 and 2 may have to file a suit against the interested Party No.3. He submitted that, this liberty be kept open.

2. In view of the aforesaid statement made on behalf of the Petitioners (i.e. interested Party Nos. 1 and 2), the above Writ Petition is dismissed as withdrawn.

3. The liberty to file a suit by interested Parties Nos. 1 and 2 against the interest Party No.3, is kept open.

4. It is needless to clarify that if such a suit is filed, the same shall be decided on its own merits and in accordance with law. This Order should not be construed to mean that if the suit is time barred, the same is to be condoned in any fashion.

B. P. COLABAWALLA, J

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