

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 77 OF 2021

Custodio Manuel Estibeiro & Anr. ... Petitioners
Versus
Joseph Lobo @ Jose Sanatan Lobo & 5 Ors. ... Respondents

Mr. Joaquim Godinho, Advocate *for the Petitioners.*

Mr. A. D. Bhobe, Advocate *with Ms. Shaizeen Shaikh,*
Advocate for the Respondent Nos. 1 and 2.

Mr. P. A. Kamat, Advocate *for the Respondent No.6.*

CORAM: M. S. KARNIK, J
DATED: 11th APRIL 2023

ORAL ORDER

1. The Petitioners are the original Defendant Nos. 1 and 2. They had filed a counter-claim in the Suit filed by the present Respondent Nos. 1 and 2-Original Plaintiffs. In the counter-claim, original Defendant Nos. 5 and 6 were impleaded by the Petitioners.
2. Learned Counsel for the Petitioners, on instructions, submits that the Petitioners are ready to delete Defendant Nos. 5 and 6 from the array of parties in the counter-claim filed by the Petitioners in RCS No. 284/2015/D. Statement is accepted.
3. Necessary amendments to that effect be carried out in the counter-claim deleting Defendant Nos. 5 and 6 within a period of two

weeks from today. The Trial Court is requested to permit the Petitioners to delete Defendant Nos. 5 and 6 in the counter-claim.

4. It is made clear that the Defendant Nos. 5 and 6 are being deleted at the risk of the Petitioners. It is further made clear that I have considered the submissions made by the parties limited to the aspect of deletion of Defendant Nos. 5 and 6 and for no other purpose. All other contentions in the Suit are kept open.

5. In this view of the matter, the Petition is allowed in terms of prayer clause (b), which reads thus :

“(b) Alternatively, and without prejudice the Petitioners/Original Defendant No. 1 & 2 be allowed to delete the Respondent No. 5 & 6/Original Defendant No. 5 & 6 in the counter-claim filed by the Petitioners in the RCS No.284/2015/D and the said Suit, along with the counter-claim be decided by the Ld. Civil Judge, Junior Division, at Panaji.”

6. Petition is disposed of. No costs.

M. S. KARNIK, J

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