

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.536 OF 2023

SAGAR @ ADWAIT RAMESH DESAI SINCE
DECEASED, THR. LRS AND ANR

... PETITIONERS

Versus

SAMEER ALIAS ASEEM RAMESH DESAI
AND ANR

... RESPONDENTS

Mr F. E. Noronha, Advocate for the Petitioners.

Mr. Parag Wagle, Advocate for Respondent Nos.1 and 2.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 11th January, 2024

P.C.:

1. Heard Mr F. E. Noronha, learned Counsel for the petitioners and Mr. Parag Wagle, learned Counsel for respondent Nos.1 and 2.
2. After hearing the matter for some time, Mr. Noronha submits that the petitioners be allowed to withdraw the present petition by permitting him to challenge the impugned order passed by the Inventory Court before the Appellate Court as per Section 451 of the Inventory Act, 2012.
3. He further submits that the question of limitation be considered while protecting the petitioners for filing the said appeal.

4. As far as the question of limitation is concerned the applicant is entitled to take recourse under relevant provisions of the Limitation Act in connection with the filing of the proceedings before another Forum. The First Appellate Court is entitled to consider such ground for condoning the delay, if any.

5. The petitioners are permitted to withdraw the present petition with liberty as prayed for. It is made clear that this Court has not gone into the grounds as well as merits and demerits. All contentions of all parties are kept open. If the appeal is filed along with the application for condonation of delay, such application shall be decided on its own merit by considering the fact that the petitioner filed this petition.

6. In view of the above observations, the Writ Petition stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.