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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.919 OF 2023

SANJITA U RANESARDESAI THR POA
PETITIONER NO.2 AND ANR

... PETITIONER

Versus

MS. MINEIRA NACIONAL LIMITADA (REP
BY PARTNER ARJUN ANIL SALGAOCAR)
AND 4 ORS

... RESPONDENTS

Petitioner no. 2 present for self and as power of attorney holder for petitioner no.1.

Mr A. D. Bhobe, Ms S. Shaikh, Ms A. Bandekar, Ms F. Sha and Ms N. Mayekar, Advocate for the respondent no.1.

Mr S. Usgaonkar, Advocate for respondent nos. 2 and 3.

Mr C. Furtado and Mr Dhruv Dhawan, Advocate for respondent nos. 4 and 5.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 24th April, 2024

P.C.

Heard Petitioner no. 2 in person and power of attorney holder of petitioner no.1, Mr. Bhobe, learned counsel for the respondent no.1, Mr Usgaonkar, learned counsel for the respondent nos. 2 and 3 and Mr C. Furtado, learned counsel for respondent nos.4 and 5.

2. The challenge in the present petition is to the order passed by Executing Court for the appointment of commissioner.

3. Petitioner no.2 submits that though he was present in the Court, he was not heard by the Executing Court before such an order was passed. Now on further inquiry with petitioner no.2, he submits that his three

applications for re-computation which are at Exhs. 73, 76 and 78 are still pending and not decided while passing the impugned order.

4. Petitioner no. 2 now submits that an opportunity be given to him to argue his applications so that he will be able to challenge the order, if passed adverse against him, including order impugned in the present petition.

5. Learned counsel for the respondents agrees that the petitioners be allowed to argue his applications so as to decide it once for all.

6. Petitioners are therefore granted liberty to withdraw the present petition to argue their pending applications with regards to re-computation before the Executing Court. Learned Executing Court shall hear petitioner no. 2 as well as other parties in the Executing proceedings before deciding such applications and decide it in accordance with law.

7. Petitioners are given opportunity to challenge orders passed on their applications, if the order is found adverse against them, together with the impugned order in this petition.

8. The learned trial Court shall hear the parties and decide such pending applications as early as possible and within a period of three months from today.

9. With these observations, the petition stands disposed of with liberty as disclosed above.

BHARAT P. DESHPANDE, J.