

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.966 OF 2019

LUIS CUNHA.,

... PETITIONER

Versus

COMMUNIDADE OF BATIM, THR. ITS
ATTORNEY AND 3 ORS.,

... RESPONDENTS

Mr Anthony D'Silva, Advocate for the Petitioner.

CORAM:- M. S. SONAK, J.

DATED :- 12th April, 2024

P.C.:

By a separate order made today, this Writ Petition was restored.

2. After Mr D'Silva was heard for some time, based on the instructions, Mr D'Silva seeks leave to withdraw this Writ Petition with liberty to challenge the impugned order dated 18.10.2019 in case the suit is decided against the Petitioner and the Petitioner decides to institute an appeal against such dismissal. Mr D'Silva states that even if the suit is decided in favour of the Petitioner but the original plaintiff decides to appeal, leave may be granted to challenge the impugned order by filing cross- appeal or cross-objections.

3. The request made is reasonable. Accordingly, this petition is

disposed of as withdrawn with liberty to the Petitioner to challenge the impugned order dated 18.10.2019 if and when occasion arises for the same.

4. It is clarified that this Court has not examined the merits of the impugned judgment and order dated 18.10.2019 and therefore, if and when such order is challenged, such challenge would be considered on its own merits and in accordance with law.

5. Writ Petition No.966 of 2019 is also disposed of.

6. The interim order granted in this petition was already vacated and in any case, now it is clarified that it stands vacated.

M. S. SONAK, J.

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