

CIVIL (REVIEW) APPLICATION NO. 20 OF 2002

1. Smt. Sebastiana Coutinho,
widow of late Piedade Coutinho,
major of age, housewife,
through her son and attorney
holder, the petitioner no.2
herein,
 2. Shri Jose Piedade Coutinho,
s/o late Piedade Coutinho,
major of age,
both residents of H.No.955,
Chiraknali, Kakoda,
Curchorem n- Goa.
- ... Applicants.

versus

Shri Florencio Pereira,
s/o late Mauricio Manuel
Pereira, major of age,
landlord, r/o Curchorem,
Goa.

... Respondent.

Mr. F. N. Tavora, Advocate for the Applicants.

CORAM: P. V. HARDAS, J.

DATED: 19TH SEPTEMBER, 2002.

ORAL ORDER

This is an application seeking review/recall of the Order dated 12th September, 2002. Mr. F. N. Tavora, the learned Counsel appearing for the Petitioners had filed Writ Petition No. 271 of 2002 and when the matter came up for admission before this Court, the learned Counsel had sought permission to withdraw the Petition seeking leave of this Court to file a Civil Revision Application.

2. Mr. F. N. Tavora, the learned Counsel appearing for the Applicants has stated before me that in view of the Judgment of the learned Single Judge of this Court dated 29th August, 2002, in Civil Revision Application No. 803 of 1996, has held a revision to be not maintainable and, therefore, according to the learned Counsel appearing for the Applicants, a Writ Petition would be maintainable. It is further urged that inadvertently, the withdrawal of the Writ Petition was sought.

3. I have heard the learned Counsel appearing for the Applicants in Civil(Review) Application No. 20 of 2002 and it appears that the learned Counsel appearing for the Applicants had inadvertently sought withdrawal of the Writ Petition and had sought leave to file a Civil Revision Application instead. In view of this, the Order dated 12th September, 2002, is hereby recalled and the Writ Petition No.271 of 2002 which was dismissed as withdrawn is restored to file. Accordingly, Civil(Review) Application No. 20 of 2002 is allowed on the above terms with no order as to costs.

P. V. HARDAS, J.

RD.