

WRIT PETITION NO.74/2003

Mrs. Maria Rosa Filomena  
Genovieve da Mae da Pobres  
Costa e Barreto e Alvares,  
major of age,  
residing at Bombay, through  
her Power of Attorney  
Mr. Anthony Allen Furtado  
major of age, son of late Blasco  
Furtado, residing at Malawi House,  
Second Floor, Fontainhas,  
Panaji, Goa.

... Petitioner.

V/s.

1. Mrs. Maria Edvina Quintina  
Visitacao da Costa e Baretto  
alias Edna Baretto, widow of  
Antonio Marcal Baretto,  
major of age, residing at  
Malawi House, 2nd Floor,  
Fontainhas, Panaji, Goa.
  - i) Mr. Antonio Ivor Baretto,  
R/o. H.No.456, Malawi,  
House 2nd Floor,  
Fontainhas, Panaji, Goa.
  - ii) Mrs. Shirley Lourdes Caldeira,  
R/o. H.No.250, Masta Bhat,  
Merces, Tiswadi, Goa.
  - iii) Mr. Antonio Agnelo Manuel  
Caldeira, R/o. H.No.250,  
Masta Bhat, Mercas,  
Tiswadi, Goa.
  - iv) Mrs. Fatima Juddy Baretto  
Pereira, PDA Plot No.207,  
H.No.406/95, Opp. Teachers'  
Training College,  
Alto Porvorim.
  - v) Mr. Cyril Joseph Pereira,  
PDA Plot No.207, H.No.406/95  
Opp. Teachers' Training  
College, Alto-Porvorim.
  - vi) Mrs. Marlene D'Souza,  
R/o. Nirmala Bldg.,  
Flat No.4, Mahim, Mumbai-16

- vii) Mr. Peter Sebastain D'Souza,  
R/o. Nirmala Bldg., Flat No.4,  
Mahim, Mumbai - 16,
2. Shri Khusali Anant Satarkar,
3. Shri Babusso Anant Satarkar,  
(since deceased) represented  
by his legal heirs, his widow
- a) Smt. Bhogwantem B. Satarkar and  
by his son,
- b) Dayanand B. Sattorkar and  
daughter-in-law.
- c) Smt. Dayanand Sattorkar,  
r/o. House No.151, Murdi,  
Cuelim, Cansaulim,  
Salcete, Goa. .... Respondents

Mr. J. Godinho, Advocate for the petitioner.

Mr. M.B. D'Costa, Advocate for respondents No.2 and 3  
(a,b and c).

CORAM : P.V. HARDAS, J.

DATE : 28TH FEBRUARY, 2003.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. By consent of the parties, the petition is heard for final disposal at the stage of admission.

2. This petition has been filed by the petitioner/plaintiff against the order of the learned appellate Court dated 25.9.2002 by which the learned appellate Court modified its earlier order dated 16.9.2002. Various grounds of challenge have been raised in the present petition, one of which is that

the learned Counsel appearing for the petitioner/ plaintiff was not heard and the order was passed behind his back by the learned appellate Court. Mr. M.B. D'Costa, learned Counsel appearing for the respondents accepts notice of this petition and has urged before me that the interim order granted by this Court on 15th February, 2003 be continued till the appeal is finally heard and decided on merits. Learned Counsel state that the appeal is fixed for hearing on 11th March, 2003.

3. In view of this, the learned IIIrd Addl. District Judge, South Goa, Margao is, therefore, directed to hear and decide the appeal as expeditiously as possible, when the appeal is fixed for hearing. Till the decision of the appeal, interim order passed by this Court on 15.2.2003 will continue. With the above directions Rule is made absolute in the above terms, with no order as to costs.

P.V. HARDAS, J.

ssm.