

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 462 OF 2003

DR. LUCAS AGNELO LIONCIO MANUEL
MONTEIRO AND ANR.,

....Petitioners

Versus

POLICARPO JACINTO OLIMPIO MONTEIRO
AND ANR.,

....Respondents

SHRI J.A. LOBO, SHRI M. MASCARENHAS

Coram:- R. J. KOCHAR, J.

Date:- 29th November, 2003

Heard both sides.

I find no reason to interfere with the
concurrent view taken by the two Courts
below on the issue of prima facie case.
No case for interference in exercise of
writ jurisdiction.

In the circumstances, petition fails
insofar as challenge to the Order passed
on the application under Order 39 C.P.C.
for interim relief is concerned.

Insofar as the Order dated 27th May,
2003 which is also subject matter of
challenge in this Writ Petition whereby
the District Court has rejected the
petitioner's application for extension
of time to carry out the amendment is
concerned, it is agreed that the said
Order be set aside by giving liberty to
the petitioner to apply to the Trial
Court for extension of time, which in

turn can decide the same on merits in accordance with Law. In the circumstances, it is made clear that the Trial Court shall decide the application for enlargement of time to carry out amendment, if filed by the petitioner, on its own merits, in accordance with law.

R. J. KOCHAR, J.