

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5086-5087/2004

(From the judgement and order dated 05/12/2003 passed in WP No. 209/1994 and order dated 09/02/2004 in LPA No. 1/2004 of The HIGH COURT OF BOMBAY BENCH AT PANAJI, GOA)

CHANDRAKANT S. KENI

Petitioner(s)

VERSUS

CAMILO PIEDADE COLACO (D) BY LRS. & ORS.

Respondent(s)

(With prayer for interim relief) (For Final Disposal)

Date: 27/10/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Dhruv Mehta, Adv.

Mr. Harsh Vardhan Jha, Adv.

Mr. Yash Raj Singh Deora, Adv.

M/S K.L. Mehta & Co.,Adv.

For Respondent(s)

Mr. Arun Pednekar, Adv.

Mr. V.N. Raghupathy,Adv.

UPON hearing counsel the Court made the following

O R D E R

The principal submission made by the learned counsel for the petitioner is that the order

of the learned Single Judge fell under Article 226 of the Constitution and, therefore, a Letters Patent

Appeal was maintainable. However, we asked the learned counsel for the petitioner that if substantial

justice has been done by the learned Single Judge why should we at all interfere with the judgment in

exercise of our jurisdiction under Article 136 of the Constitution and send the matter back for hearing

in Letters Patent Appeal.

The learned counsel for the petitioner then urged for time being allowed to make his

submissions demonstrating the failure of justice, if any, occasioned by the impugned judgment of the

learned Single Judge.

List for hearing in February, 2006.

(Ajay Kr. Jain)
(Radha R. Bhatia)

Court Master
Court Master