

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).7807/2005

(From the judgement and order dated 01/04/2005 in WP No. 107/2005 of The
HIGH COURT OF BOMBAY BENCH AT GOA, PANAJI)

SADANAND MHALU SHET

Petitioner(s)

VERSUS

FILIPE NERY RODRIGUES AND ORS.

Respondent(s)

(With appln(s) for directions and exemption from filing O.T.
and office report))

Date: 11/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr.Mukul Rohtagi, Sr. Adv.

Mr. Preetesh Kapur, Adv.

Ms. Hemantika Wahi,Adv.

For Respondent(s)

Dr. A.M. Singhvi, Sr. adv.

Mr. Shrinivas R. Khalap, Adv.

Mr. Anip Sachthey, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

he signed order placed on the file.

The appeal be treated as disposed of in terms of t

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

Court Master
Court Master

ile)

(Signed order is placed on the f

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3600 OF 2005

(Arising out of SLP(C) No. 7807 of 2005)

Sadanand Mhalu Shet
... Appellant

Versus

Filipe Nery Rodrigues and Ors.
.... Respondents

O R D E R

Leave granted.

The impugned order dated 1st April, 2005 is by a learned
Single Judge of the High Court

forming an opinion that the writ petition before him can be heard by a single Judge. The
grievance of the

appellant before us is that the matter can be heard only by a Divi
sion Bench. The learned counsel for

respondent No. 1, the only contesting party, submits that leaving the question of law open, respondent No. 1

does not have any objection if the matter is assigned for hearing by a Division Bench of the High Court which

can always be done even if under the Rules of Business of the High Court the matter should ordinarily be

placed for hearing by a learned Single Judge.

In view of the concession made by respondent No. 1, we do not propose to express any opinion

on the correctness or otherwise of the view taken by the High Court in the impugned order dated 1st April,

2005. Leaving the question of law open, we direct the matter be placed for hearing by a Division Bench. The

parties are at liberty to make a mention for early hearing and/or for seeking any interim relief.

The appeal be treated as disposed of in the above terms.

.....CJI.

(R.C. LAHOTI)

.....J.

(C.K. THAKKER)

.....J.

(P.K. BALASUBRAMANYAN)

New Delhi

July 11, 2005