

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 265 OF 2014

IN

FIRST APPEAL NO. 54 OF 2008

JAYESH POROB AND 3 ORS.,

... Applicants

Versus

STATE OF GOA THROUGH CHIEF
SECRETARY AND 7 ORS.,

... Respondents

Mr. S. Keny, Advocate for the Applicants.

Mr. S. Dhargalkar, Additional Government Advocate for
Respondents No.1 & 2.

Mr. V. Amonkar, Advocate for the Intervenor.

Coram:- N. M. JAMDAR, J.

Date:- 20th February, 2015

P.C.:

By this application the applicant seeks to bring on record an additional evidence i.e. the judgment and decree passed in Regular Civil Suit No.54/2001 instituted by his brother.

2. It is the contention of Mr. S. Keni, the learned Counsel for the applicant/appellant that these orders are required to be brought on record as all judgments and decrees passed in Regular Civil Suit No.56/1968, 55/1968, 60/1968 and 61/1968 are declared to be not binding on the plaintiff therein and the family. The plaintiff in this suit of 54/2001 is the brother of the present applicant. The judgment and decree was passed on 31 July 2006 while the judgment and

decree under challenge in the present appeal was passed on 31 December 2007. The explanation now sought to be orally advanced by Mr. Keni that applicant was not aware of the judgment and decree dated 31 July 2006 as the relations between him and his brother were not good, is not acceptable. There is no such pleading in the application. Furthermore, if that was so there was no reason for the applicant's brother to seek declaration on behalf of entire family. The conduct of the applicant is not bonafide. There appears to be a clear attempt on the part of the applicant's family members to keep instituting separate litigation, without informing the respective Courts.

3. In the circumstances, the application cannot be considered and it is accordingly rejected.

N. M. JAMDAR, J.

NH