

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 76 OF 2014

MR. MILIND BHENDE AND ANR., ... Appellants
Versus
MS. PEDRINA BAPTISTA HER POWER OF
ATTORNEY MS. CATARINA BAPTISTA ... Respondent

Shri R.G. Ramani, Advocate for the Appellants.

Coram:- N. M. JAMDAR, J.

Date:- 28th January, 2015

ORAL ORDER:

Heard Shri R.G. Ramani, the learned Counsel for the Appellants.

2. The appellate Court has found that the amount of Rs.50,000/- was received by the appellant and when the amount was demanded back by the respondent, the appellant issued cheque which was dishonoured. The defence of the appellant that the amount was received by the appellant as an agent of Swarajya Multilink Marketing Pvt. Ltd. and the cheque was issued in the personal capacity by the appellants, on the instructions of one Seby Fernandes has been found to be not believable. Shri Ramani contended that this approach is perverse.

3. If the appellants had taken the amount on behalf of Swarajya Multilink Marketing Pvt. Ltd. as its agent, it was not necessary for

the appellants to voluntarily return the amount by cheque which was subsequently dishonoured. The appellate Court having considered the record, has taken a possible view of the matter upon appreciation of evidence before it. No perversity is found in the judgment. Second Appeal is accordingly dismissed.

N. M. JAMDAR, J.

NH