

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 652 OF 2015**

ADV. MRS. ARLENE LOBO ... Petitioner

Versus

MR. DEEPAK GOVEKAR AND 3 ORS. ... Respondents

Petitioner in person.

Coram:- C. V. BHADANG, J.

Date:- 22nd September, 2015

ORAL ORDER:

Heard Mrs. Arlene Lobo, the petitioner who is appearing in person. By this petition, which is filed purportedly under Articles 226 and 227 of the Constitution of India, the petitioner is inter alia praying for a direction to the respondent no.1 (who is described as defendant no.1) to hand over vacant and peaceful possession of the suit premises, remaining small part of the ancestral house to the petitioner. The petitioner is also praying for an order of injunction against the respondent no.1 from parting with possession of the disputed suit premises to a third party. There are also reliefs claimed directing the respondent no.1 to construct a boundary wall with a gate. There are several other prayers including a prayer for direction to the respondent no.1 to publish an unconditional apology to the petitioner (described as plaintiff) and her daughter in the daily 'Lokmat'.

2. The petitioner, who is appearing in person, has submitted that the respondent no.1 had managed to publish some defamatory material in the daily newspaper 'Lokmat' on 4/06/2015. The petitioner has placed reliance on the decision of the Hon'ble Supreme Court in the case of ***ABL International Ltd. & Anr. V/s. Export Credit Guarantee Corporation of India Ltd. & Ors.*** reported in (2004) 3 SCC 553 in order to submit that in an appropriate case, the fact that the matter involves disputed questions of fact may not deter the writ Court from exercising jurisdiction. The petitioner submits that in that view of the matter, this Court may grant reliefs as prayed.

3. I have perused the petition and the nature of the prayers made which are set out herein above. In the petition, the petitioner has arrayed three respondents, all of whom are private parties. However, the petitioner insisted that on the basis of the decision of the Supreme Court in the case of ***ABL International Ltd. & Anr.*** (supra), the petition would be competent. On hearing the petitioner in person, I do not find that the petition as is framed and filed can be entertained. The dispute appears to be between private parties and the reliefs claimed are in the nature of delivery of possession, injunction, construction of a compound wall and a direction to the respondent no.1 to publish unconditional apology in the

daily 'Lokmat'. In such circumstances, the reliefs are not competent before a writ Court.

4. In such circumstances, the petition is hereby dismissed. Needless to mention that the petitioner would be at liberty to take out appropriate proceedings as may be permissible and if so advised. The merits of the controversy is obviously kept open.

C. V. BHADANG, J.

NH/-