

**IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.53 OF 2013**

MRS. TARULATA @ SHAILA SHARAD

DHUMATKAR AND ANR.

... Petitioners

Versus

SHRI REMEDIOS SANTANA DIAS

AND 28 ORS.

... Respondents

Mr. Shashikant Narayan Joshi, Advocate for the Petitioners.

Mr. Avdhut S. Arsekar, Advocate for Respondents No.1 & 2.

Coram:- N. M. JAMDAR, J.

Date:- 12th February, 2015

ORAL ORDER :

By this Civil Revision Application, the petitioners challenge the order passed on 24 October 2013 rejecting the application for rejection of plaint filed by the respondents.

2. The petitioners filed an application on 14 March 2013 for rejection of the plaint filed by the respondents. The perusal of the application shows that it is bereft of any particulars. In the impugned order the learned Judge has noted that after filing a sketchy application, the applicant did not bother to remain present on 3 occasions. The learned Judge thereafter by himself, considered the application and rejected the same.

3. Shri S.N. Joshi, the learned Counsel for the petitioners

submitted that the matter should be considered on merits by this Court or the application be remanded back for reconsideration by the Court.

4. The impugned order was passed on 24 October 2013, thereafter suit has proceeded and is now for evidence. The grounds which are raised for rejection of plaint are already the issues framed by the Court. At this stage therefore it would be appropriate that the trial proceeds on merits. All contentions which are raised by the petitioners in the application for rejection of plaint can be urged by the petitioners at the time of trial and the observations made in the impugned order will not come in their way.

5. In view of this clarification no further orders are necessary to be passed in this Revision Application. Revision Application is rejected.

N. M. JAMDAR, J.

NH