

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 16 OF 2014

MRS. SHOBHAVATI P. MAHALE AND
ANR.,

... Petitioners

Versus

MRS. SUMATI XENCOR MALO @ SHARADA
HARI SHETYE (SINCE DECEASED REP.
BY HER LEGAL REPRE.) AND 4 ORS.,

... Respondents

Adv. Ryan Da Piedade Menezes for the Petitioners.
Adv. V. Braganza for Respondent no. 2.
Adv. A. Kakodkar for Respondent no.3.

Coram:- S. B. SHUKRE, J.

Date:- 25th January, 2016

P.C.:

Heard learned counsel for the petitioners and learned counsel for respondent nos.2 and 3. Respondent no.1 is absent, though duly served.

2. It is informed at the bar that respondent nos.4 and 5 were never the contesting parties in the suit. This is also clear from the order impugned herein.

3. As submitted by learned counsel for respondent nos.2 and 3, respondents nos. 2 and 3 are supporting this petition.

4. A bare perusal of the impugned order is enough to agree with the

contentions of learned counsel for the petitioners that the order does not reflect any application of mind to the facts of the case and also to the case laws relied upon by the petitioners before the Trial Court. Such an order, therefore, cannot be sustained. The matter deserves to be remanded back to the Trial Court for deciding the application dated 14/3/2014 afresh in accordance with law.

5. In the result, the revision application is allowed. Impugned order is quashed and set aside. The matter is remanded back to the Trial Court for deciding the application dated 14/3/2014 afresh in accordance with law. Parties to appear before the Trial Court on 15/2/2016 at 10.00 a.m. All contentions on merits of this application including its maintainability are kept open.

6. Revision application is disposed of.

S. B. SHUKRE, J.

ap/-