

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO.30 OF 2017

1. Branch Manager,
Punjab National Bank,
A new Bank Constituted under
Banking Companies (acquisition &
Transfer) of Undertaking Act, 1970
Branch office at St.Pelagia Building,
Opp. Khalap Mansion,
Vasco-da-Gama, Goa 403 802.

2. Authorized Officer,
Punjab National Bank
Branch Office at St. Pelagia Building,
Opp. Khalap Mansion,
Vasco-da-Gama,
Goa 403 802.

..... Applicants

Versus

1. Shri Sai Labour Contract Co-op. Society
having office at Off.9,10 and 16
Second Floor, Patto Center,
EDC Complex, Panaji Goa.
Through its Secretary,
Mr. Katri Balachandran Vadkke,
s/o K. V. Kesavan, 59 years of age,
Indian National, married,
r/o House No.4/A, Gujara Bhat,
Santan, Talauli, Curca, Tiswadi Goa.

2. Mr. Panjakajakshan Nair,
s/o late Vassudev Naik,
50 years of age,
Indian National, Businessman,
married,
r/o Flat No.B-3, Eden Garden Housing Society,
Adarsh Nagar, Airport Road,
Chincalim, Goa. 403 117. Respondents

Mr. P. Vengurlekar, Advocate for the Applicants.

Mr. N. Sardessai, Senior Advocate with Ms. S. Borkar, Advocate
for Respondent No.1.

Coram : N.M. Jamdar, J.

Date : 10 November 2017.

P.C.:

Heard the learned counsel for the parties.

2. The learned counsel for the parties state that the Revision Application can be disposed of by the following order and no reason in support thereof need to be given as any opinion by this Court will affect the merits of the pending suit.

3. Accordingly,

(a) The learned Civil judge Senior Division, Vasco will frame a preliminary issue as regards the maintainability of the civil suit in view of the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and decide the same on its own merits within a period of four months.

(b) The decision on the preliminary issue will be taken on its own merits and the observations made in the impugned order are to be treated as *prima facie*.

(c) If the learned Civil Judge finds it necessary that that oral evidence is required for determination of the preliminary issue, it is open for the learned Civil Judge to direct the parties

accordingly.

3. The Revision Application is disposed of in above terms.

N.M. Jamdar, J.