

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO. 27 OF 2017

Prabhu Constructions. Applicant.

Versus

Shahajanand Investment Pvt. Ltd. Respondent.

Mr. S.D. Lotlikar, Senior Advocate with Ms. M. Furtado, Advocate for the Applicant.

Mr. E.O. Mendes, Advocate for the Respondent.

Coram : N.M. Jamdar, J.

Date : 23 November 2017.

P.C.:

Heard Mr. S.D. Lotlikar, learned Senior Advocate for the Applicant-Judgment Debtor and Mr. E. O. Mendes, learned Advocate for the Respondent.

2. At the joint request, the Revision Application is taken up for final disposal. The learned Counsel for the parties request that the Revision Application may be disposed of by following order and no reasons in support thereof be given as any observation on merits by this Court might influence the merits of the rival contentions. It is accordingly ordered :

(I) The order passed by the learned Civil Judge, Sr. Division, at Mapusa in Special Execution Application No.4 /2015/A is quashed and set aside.

(II) The Special Execution Application No.4 /2015/A will be decided by the learned Civil Judge, Sr. Division on its own merits and will not be rejected on the ground that the contentions raised by the Applicant-Judgment Debtor cannot be considered in the execution proceedings.

(III) The question whether the Application to be treated as one under Order 21, Rule 2 or under Section 47 of the Code of Civil Procedure, will be considered by the learned Civil Judge, Sr. Division as per law.

(IV) The learned Civil Judge, Sr. Division will make an endeavour to dispose of the Special Execution Application within a period of six months from today.

(V) All the contentions, on merits of the Application, are kept open.

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

N.M. Jamdar, J.