

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO.31 OF 2017

Novex Communication Pvt. Ltd.		Applicant.
Versus		
Fomento Resort & Hotels Ltd.		Respondents.

Mr. Nikhil D. Pai, Advocate for the Applicant.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar,
Advocate for the Respondents.

***Coram : N.M. Jamdar &
Nutan D. Sardesai, JJ.***

Date : 29 November 2017.

P.C.:

A review is sought of the Order passed by the Commercial Appeal Bench of this Court dated 26 July 2017.

2. Commercial Appeal No.1 of 2017 was filed by the original Defendant in a Suit filed by the Review-Applicant in respect of certain copy rights. The learned District Judge on 22 June 2017 appointed a Commissioner and also granted an ad interim order. The Defendant by filing the Commercial Appeal made a grievance that both these orders were without reasons and contrary to the mandate of Order 39, Rule 8 of the Code of Civil Procedure. The Appeal Bench accepted the contentions of the Defendant-Appellant

and allowed the Appeal by Order dated 26 July 2017, of which the review is sought.

3. Mr. Nikhil Pai, learned Counsel for the Review Applicant sought to urge various grounds regarding correctness of the view taken by the Appeal Bench.

4. It is not possible to rehear the matter, neither we can sit in appeal over the order dated 26 July 2017. The Appeal Bench has set aside the orders on the ground that they do not disclose any reason and all contentions of the parties, on merits, were kept open. The impugned orders were, on the face of it, without reasons. In review jurisdiction we are not inclined to take a different view. No case is made out to exercise review jurisdiction. The Review Application is, accordingly, rejected.

Nutan D. Sardesai, J.

N.M. Jamdar, J.