

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO. 34 OF 2017

Elvino Dias., rep. by his POA,

Antonetta Dias.,

... Applicant

Versus

Maria Monica Rodrigues And 3 Ors.,

... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. Abhijeet Kamat,
Advocate for the Applicant.

Coram : N.M. Jamdar, J.

Date : 24 November 2017.

P.C.:

The Applicant-Defendant in Suit filed by the Respondent-Plaintiff under Section 6 of the Specific Relief Act is aggrieved by the rejection of the application moved under Order VII Rule 11 of the Code of Civil Procedure.

2. Mr. S. S. Kantak, the learned Senior Counsel for the Applicant submits that the Respondent no. 1 initiated a Regular Civil Suit no. 52 of 2015/A wherein the Respondent has made several statements which clearly show that the Respondent is not entitled to the relief in the present suit and these documents ought to have been considered by the learned Civil Judge.

3. I have considered the submissions. The learned Civil Judge has opined that in the plaint sufficient ingredients necessary for relief under Section 6 of the Specific Relief Act are present and, therefore, the application cannot be considered. There is no jurisdictional error in this view taken by the learned Civil Judge.

4. As far as the contention of the Applicant that in another suit with similar averments have been made by the Respondent is concerned, it is always open to the Applicant to urge this point at the time of hearing the suit, to be decided on its own merit. While deciding applications of this nature, one cannot be unmindful of the provisions under Section 6 of the Specific Relief Act providing speedy remedy. With the observation regarding the above point as canvassed being available to the Applicant at the time of hearing of the suit, the Revision Application is disposed of.

N.M. Jamdar, J.