

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.38 OF 2017

Shri Surya Vengurlekar & Anr.		Applicants
Versus		
Shri Paulo Francisco Fernandes & Anr.		Respondents

Ms. Susan Linhares, Advocate for the Petitioners.

Mr. A. Phadte, Advocate for the Respondents.

Coram : N.M. Jamdar, J.

Date : 14 December 2017.

P.C.:

This Civil Revision Application seeks to challenge the order passed on 25 January 2017 in Execution Application No.9/2014/C. The Respondents had filed a Regular Civil Suit No.234/2003/C which was decreed on 29 April 2013. The Execution Proceedings were filed by the Respondents praying that the Court Commissioner be appointed to demolish and remove the illegal extensions of 11 square metres and 1 square metre. The Applicants appeared in execution proceedings and sought to resist the execution of the decree by advancing contentions on merits. The learned Executing Court rightly refused to entertain the objections of the

Applicants on merits, since the decree was binding upon them.

2. The Second Appeal Stamp Number No.4015 of 2017 filed by the Applicants was on board today, wherein the Applicants had challenged the judgment and order passed by the learned District Judge refusing to condone the delay of 1395 days in challenging the judgment and decree of the learned Civil Judge Senior Division, Mapusa dated 29 April 2013. An order is passed today dismissing the Second Appeal. In these circumstances, nothing survives in this Civil Revision Application. Even otherwise there is no error in the view taken by the learned Civil Judge. The Civil Revision Application is rejected.

N.M. Jamdar, J.