

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 40 OF 2017

ARLENE LOBO., ... Appellant

Versus

DEEPAK GOVEKAR AND 3 ORS., ... Respondents

Appellant in Person.

Mr. A. Shirodkar, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 7th March 2018

Oral Order:

I have heard the appellant in person and the learned counsel for the respondents.

2. The challenge in this Appeal From Order is to order rejecting the plaint. The appellant had filed Regular Civil Suit no. 231/2015/E before the learned Civil Judge Junior Division at Mapusa for several reliefs in which the defendants filed an application under Order 7 Rule 11 of C.P.C. for rejection of the plaint. The learned trial court found that the plaint does not disclose any cause of action and also does not make any intelligible case and has proceeded to reject the plaint.

3. The learned counsel for the respondent points out that an

order rejecting the plaint is a decree within the meaning of section 2(2) of C.P.C . It is contended that as the impugned order is passed by the Court of learned Civil Judge Junior Division, a regular appeal would lie before the learned District Judge. A specific query was made to the appellant whether she would prefer to approach the learned District Judge, however, she has expressed inability to do so and has insisted that the appeal be decided here only. Considering the fact that the impugned order is appealable as a decree before the learned District Judge, the present appeal is dismissed as not maintainable, with no order as to costs.

C. V. BHADANG, J.

ap/-