

IN THE HIGH COURT OF BOMBAY AT GOA**CIVIL REVISION APPLICATION NO. 14 OF 2019**

M/s Mandrem Hotels Private Limited,
represented herein by its Director &
authorised signatory Mr. Rishal Sawhney,
having its registered office at House No.
102, Bernard Guedes Road, Opposite
Forest Department, Panaji, Goa.

.... Applicant

Versus

1. M/s Mahaseer Hotels and Resorts Pvt. Ltd., A duly incorporated and registered company under the Companies Act, 1956, having its registered office at 2, Kasturba Gandhi Marg, New Delhi 110 001, India, represented by its Authorized Director, Shri Fateh Singh Akoi.
2. Mr. Luis Joao D'Souza, 50 years, married, agriculturist, r/o House No. 309, Ashwem, Mandrem, Pernem, Goa.
3. Mrs. Penru D'Souza, about 40 years, married, housewife, wife of Luis Joao D'Souza, r/o House No. 309, Ashwem, Mandrem, Pernem, Goa.
4. Mr. Albert D'souza, 53 years married, agriculturist, r/o House No. 309, Ashwem, Mandrem, Pernem, Goa.
5. Mrs. Paskin D'Souza, 43 years, married, housewife, wife of Mr. Albert D'Souza, r/o House No. 309, Ashwem, Mandrem, Pernem, Goa.
6. Mrs. Nelson D'Souza, 20 years of age, service, son of late Anthon D'Souza, r/o House No. 309, Ashwem, Mandrem, Pernem, Goa.
7. Miss. Judy D'Souza, daughter of late Antonio D'Souza, r/o House No. 309, Ashwem, Mandrem, Pernem, Goa.
8. Shri Reginaldo Fernandes, son of

Anthony Fernandes.

9. Smt. Esmeralda Fernandes, daughter of late Joao D'Souza.
10. Mrs. Paskina Lawrence Coelho alias Pascola Lawrence Coelho, wife of Mr. Lawrence Coelho.
11. Mr. Lawrence Coelho, son of late Shri Custancio Coelho.
12. Mrs. Olinda D'Souza e Dias, daughter of late Antonio Francis D'Souza.
13. Mr. Savio Dias, son of late Mr. Caridade Dias.

Defendant No. 1 to 12 to be served at following address, Through their Power of Attorney Mr. Luis Joao D'Souza, resident of House No. 309, Ashwem, Mandrem, Pernem, Goa.

.... Respondents

Mr. S. Kantak, Senior Advocate with Mr. Abhijit Pramod Gosavi, Advocate for the Applicant.

Mr. Shivan Desai, Advocate for Respondent No. 1.

CORAM : C.V. BHADANG, J.

DATE : 8th JULY, 2019

ORAL JUDGMENT:

Heard. Admit. The learned Counsel for the respondent no. 1, waives service. Heard finally by consent of parties.

2. The challenge in this Revision Application is to the order dated 29.11.2018, passed by the learned Senior Civil

Judge, Mapusa, below Exhibit-62 in Regular Civil Suit No. 3/2016. By the impugned order, an application (Exhibit-62), filed by the applicant, for rejection of the plaint, has been dismissed.

3. On hearing the learned Counsel for the parties and on perusal of the impugned order, it does appear that the impugned order does not refer to any contentions raised and it is practically an unreasoned order. Such a situation cannot be countenanced. The Court deciding a matter in a judicial capacity is expected to refer to the rival contentions raised and to deal with such contentions in reaching a finding one way or the other.

4. Mr. Desai, the learned Counsel for the respondent no. 1, on instructions, states that in the event, this Court is inclined to interfere with the impugned order, the application Exhibit-62 may be sent back to the Trial Court for deciding it afresh in accordance with law.

5. Hence, by consent of parties, the following order is passed:

ORDER

- (i) The revision application is partly allowed.
- (ii) The impugned order dated 29.11.2018, below Exhibit-62, is hereby set aside.
- (iii) The application (Exhibit-62) is restored back to the file of the learned Trial Court for deciding it afresh, on its own merits and in accordance with law.
- (iv) Rival contentions of the parties are left open.
- (v) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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