

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 16 OF 2019

ANAND GANPAT PARAB AND 7 ORS., ... Applicants

Versus

LAXMI LAXMAN PARAB AND 9 ORS., ... Respondents

Adv. Luiza Rego for the Applicants.

Coram:- C. V. BHADANG, J.

Date:- 12th March 2019

Oral Order:

Heard the learned counsel for the applicants.

2. The petitioner is challenging the judgment and order dated 16/2/2019 passed by the learned District Judge, South Goa, Margao, by which Misc. Civil Appeal no.79/2018 filed by the petitioner under Order XLIII of C.P.C has been dismissed as not maintainable. The record discloses that there are two orders passed by the Executing Court on 23/10/2018. One of the orders is for appointing a Commissioner which order is passed on the application filed by the petitioner/judgment debtor. Thus, when the application filed by the petitioner is allowed, it is difficult to envisage as to how the petitioner can be aggrieved by the said order. The second application was for stay of the execution proceedings as the appeal was filed. That application was

rejected by the Executing Court on the ground that the appellate court had not granted any stay. In any event these orders are not the ones which can be challenged in appeal under section XLIII of C.P.C. Thus no exception can be taken to the impugned judgment passed by the learned District Judge. The petition is accordingly dismissed.

C. V. BHADANG, J.

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