

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 42 OF 2019

JOAO GAMA, REP. BY POA, STANLEY DA
SILVA AND 2 ORS.,

... Applicants

Versus

RAJAN VINAYAK LOTLIKAR AND 14
ORS.,

... Respondents

Shri Jagannath Jayant Mulgaonkar, Advocate for the Applicant.

Shri Ashwin D. Bhobe, Advocate for the Respondent Nos.1 and 2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 18th November, 2019

P.C.:

Shri J.J. Mulgaonkar, learned Advocate for the applicant. Shri A. D. Bhobe, learned Advocate for the respondent nos.1 and 2.

2. i have perused the impugned order dated 17.09.2019 and from a reading of para 5 thereof, it is apparent that there is an error committed by the Trial Judge regarding "Therefore, this Court I presume would not be committing an error by coming to a conclusion that it is quite possible that the Hon'ble High Court might have given the plaintiff yet another opportunity to file this suit to try their luck a second time". This order cannot be allowed to stand and in view thereof, the impugned order is

quashed and set aside. The matter is remanded to the Trial Court for fresh adjudication. In view thereof, nothing survives in this application and hence disposed off.

3. The findings in the impugned order are also quashed and set aside. The Civil Revision Application accordingly, stands disposed off.

NUTAN D. SARDESSAI, J.

MF/-