

Jose

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.7 OF 2020
WITH
MISC. CIVIL APPLICATION NO.276 OF 2021
AND
MISC. CIVIL APPLICATION NO.277 OF 2021
IN
CIVIL REVISION APPLICATION NO.7 OF 2020

RAMNATH G. KARE AND 2 ORS.

... Applicants.

Versus

ALCURE PHARMACEUTICALS PVT.
LTD., REP. BY ITS POA, JOSEPH S.
CARNEIRO AND 4 ORS.

... Respondents.

Mr. S.D. Padiyar with Mr. Prayash Shirodkar, Advocates for the Applicants.

Mr. E. Dias with Mr. R. Shetkar, Advocates for Respondent No.1.

Ms. S. Shaikh h/f Mr. A.D. Bhobe, Advocate for Respondent No.2.

CORAM: BHARAT P. DESHPANDE, J.

DATED: 02 February, 2023

P.C:

Heard learned Counsel Mr. Padiyar for the Applicants and learned Counsel for the Respondents.

2. The record shows that some of the Respondents who are the Defendants in the suit are not served in the present proceedings.

3. The first application is for service of the said Respondent Nos.4 and 5 by way of publication in the daily local newspaper. The second application is for amendment of the cause title by adding Additional Director of Respondent No.3.

4. Misc. Civil Application No.276/2021 for amending the cause title by adding Additional Director, therefore, stands allowed as the said party is represented by an Advocate before the Trial Court. Permission is granted to the Applicants to serve said Respondent No.3 through the Advocate who is appearing before the Trial Court.

5. As far as Misc. Civil Application No.277/2021 is concerned, Respondent Nos.4 and 5 failed to appear before the Trial Court.

6. The present revision is filed by Original Defendant Nos.2, 3 and 4 thereby challenging the impugned order by which their application for maintainability of suit and rejection of plaint under Order 7 Rule 11 was rejected.

7. Since the contesting party which is the Original Plaintiff/ Respondent No.1 herein is already served and appeared through an Advocate, presence of Respondent Nos.4 and 5 for decision of the revision is not necessary. Hence, Misc. Civil Application No.277/2021 stands disposed of accordingly.

8. Office to list the matter for admission since the contesting Respondents are already served. It is made clear that the matter shall be disposed of at the admission stage itself. Parties are put to notice accordingly.

9. Both the Misc. Civil Applications stand disposed of.
10. Matter to be listed on board for admission on 23.02.2023.

BHARAT P. DESHPANDE, J.

JOSE
FRANCISCO
DSOUZA

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