

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.31 OF 2023

VICTOR SANTAN DCUNHA (SINCE DEC
THR LRS) AND 2 ORS

... APPELLANTS

Versus

FRANCIS MANUEL DCUNHA AND 8 ORS

... RESPONDENTS

Party in person present.

CORAM:- AVINASH G. GHAROTE, J.

DATED :- 7th March, 2024

P.C.:

1. Heard the party in person.

2. The petition questions the order dated 24/07/2023 by which the learned Appellate Court rejected the cross-objection filed by the appellants on the ground that the cross-objection does not indicate that the appellants are aggrieved by any finding given by the trial Court, as well as delay in filing the same. It is contended that the appeal is against the judgment passed in the Special Civil Suit questioning the inventory proceedings in which the appellants are the original plaintiffs. The party in person, makes a categorical statement that the purpose of filing the cross-objection is to support the impugned judgment.

3. In my considered opinion, this cannot be the purpose for filing a cross-objection. The nature of the cross-objection under Order 41 Rule 22 of CPC is of an appeal questioning the findings rendered by the Court below or seeking an additional relief not granted by the Court below. In the case where the respondent in an appeal is supporting the impugned judgment, it would be permissible for the respondent to file written notes of argument listing out his grounds for supporting the impugned judgment. Since the party in person categorically states that the intention is to support the judgment, in case he so desires, he may file his written submissions supporting the judgment. There is no question of filing a cross-objection for the purpose of supporting the judgment. I, therefore, do not find any reason to interfere in the impugned order.

3. The appeal accordingly stands dismissed.

AVINASH G. GHAROTE, J.