

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.2 OF 2024

OUR LADY OF HEALTH HIGH SCHOOL,
CUNCOLIM, THR ITS HEADMISTRESS
SHARMILA MASCARENHAS E FERNANDES ... APPLICANT

Versus

JOAQUINA FLORINA FERNANDES @
JOAQUINA FLORIANA FERNANDES AND 10
ORS ... RESPONDENTS

Mr J. E. Coelho Pereira, Senior Advocate with Mr Sagar B.
Rivankar, Advocate for the Applicant.

CORAM:- VALMIKI SA MENEZES, J.

DATED :- 25th January, 2024

P.C.

After hearing the arguments for some time, Mr Coelho Pereira, learned Senior Advocate appearing for the revision petitioner fairly submits that this would be more a case falling within the realm of Order I Rule 10 CPC; he further submits that in all fairness, in the facts pleaded in the plaint, it would be appropriate that the revision petitioner/defendant no.3 file an application for being dropped from the proceedings before the Trial Court, given that the defendant no.3 is neither a necessary nor a proper party to the proceedings.

2. On going through the contents of the impugned order, the

reasoning contained therein appears to be correct and no infirmity can be found therein. Accordingly, the revision petition needs to be dismissed.

3. However, considering that the case set up by the revision petitioner/defendant no.3 appears to be arguable on the question as to whether they are proper or necessary parties to the suit, for which the petitioner is hereby granted leave to file an appropriate application before the trial Court to set up its case for being dropped as a defendant to the suit.

4. With these observations, the revision application stands dismissed. No order as to costs.

VALMIKI SA MENEZES, J.

MARIA SUZANA REBELLO Digitally signed by MARIA SUZANA REBELLO
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