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IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.23 OF 2025

M/S. UNITED MARINE SERVICES REP.
BY ITS PARTNER SANJAY NAIK AND 2
ORS

... APPLICANTS

Versus

PIEADA D SOUZA

... RESPONDENT

Mr. Dharmanand Vernekar with Mr. Jaiwant Velip, Advocates for
the Applicants.

CORAM:- VALMIKI MENEZES, J.

DATED :- 9th October, 2025

P.C.:

1. Registry to waive office objections and register the matter.

2. This is a revision application impugning order dated 15.04.2025 rejecting the Petitioner's application under Order 7 Rule 11 CPC seeking rejection of the a plaint. The two main contentions raised in the petition are that the Trial Court has not considered that there was no cause of action disclosed on the face of the plaint, and the second contention being that the plaint claims accounts to be drawn of a partnership firm, of which the Plaintiff was a retired partner. The argument of the Applicant is that a retired partner is not entitled to drawing of accounts of a partnership firm.

3. On a reading of the plaint, there is clearly a cause of action disclosed therein. It was the case of the partner that she was a partner of the firm and an allegation has been made that the Defendants, through fraud, have denied her the proceeds and profits of the partnership firm by creating documents showing her to have been retired. The relief sought in the claim is for accounts, on the basis that the Plaintiff is still a partner of the firm. There is, therefore, a clear cause of action disclosed on the face of the plaint and on a meaningful reading of the averments made therein, one cannot conclude that the case is illusory.

4. The other contention raised is that on a reading of the documents produced along with the plaint, the Trial Court ought to have concluded that the Plaintiff had no cause of action. This essentially would be a matter of leading evidence, and for the Trial Court to, on weighing the evidence, conclude whether the Plaintiff was entitled to a decree. The matter would obviously have to go for trial and on this count, the plaint could not be rejected at the threshold.

5. On perusing the impugned order, the Trial Court has correctly considered the two issues framed by it and correctly applied the law restricting itself to the averments in the plaint, without entering into the merits of the contesting claims of the parties. No infirmity can be found in the impugned order.

6. The Revision Application is, therefore, dismissed.

VALMIKI MENEZES, J.