



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.17 OF 2025

M/S. NILESH FURNITURE WORKS THR.
ITS PARTNER

... APPLICANT

Versus

ANAND SHANKAR NAGVEKAR AND 6 ORS

... RESPONDENTS

Mr. Shivraj Gaonkar with Ms. S. Veluskar, Advocates for the
Applicant.

CORAM:- VALMIKI MENEZES, J.

DATED :- 20th August, 2025

P.C.:

1. Registry to waive office objections and register the matter.
2. The petition impugns order dated 24.06.2025 dismissing an application at Exh.D-16 of the record of the trial Court in Regular Civil Suit No.59/2022/E CJJD, Mercedes. The Application was for rejection of the counter claim on the count that the counter claim did not disclose the cause of action and is also barred by limitation.
3. Perusal of the impugned order would reveal that the trial Court addressed itself to the question of limitation, more specifically under Article 67 of the Limitation Act and has concluded, after considering the averments in the plaint and considering the documents produced

along with the plaint, that at this stage the question of limitation could not be decided, since it was a mixed question of law and fact and required evidence to be recorded by the Court.

4. The trial Court has also made reference to the averments in the written statement and the counter claim, and more specifically the averments that the Defendant had terminated an oral license agreement with the Plaintiffs; it has concluded that the question of whether the oral license existed or not and whether Defendant could have terminated the license would require adjudication after evidence is laid by the parties. The view taken by the trial Court does not call for interference in supervisory jurisdiction of this Court under Article 227 of the Constitution of India, since the view is taken based on the averments made in the plaint, which cannot be termed at this stage to be not based on the record.

5. Considering this fact, no interference is called for in the impugned order. The petition stands dismissed. No costs.

VALMIKI MENEZES, J.