



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.362 OF 2025

JUAO FRANCIS NORONHA AND ANR

... PETITIONERS

Versus

**M/S. JM COLLECTION PRIVATE LTD.,
REP. BY ITS AUTH. REP. PANKAJ
BAJAJ AND 12 ORS**

... RESPONDENTS

Mr. Jatin Ramaiya with Mr. Omkar Parab, Advocates for the
Petitioners.

Mr. Saish Mahambre, Advocate for the Respondents.

CORAM:- VALMIKI MENEZES, J.

DATED :- 18th September, 2025

P.C.:

1. Registry to waive office objections and register the matter.
2. Learned Advocate for the Petitioner submits that whilst this petition is pending, the judgment and Decree dated 16.08.2025 has been passed by the Court of Civil Judge, Junior Division at Pernem in Regular Civil Suit No.116 of 2024, decreeing the suit on admission.
3. The challenge in the present petition is to a rejection of an application under Order 1 Rule 10(2) wherein the Petitioner sought to be impleaded in the above-mentioned suit. The impleadment was sought on the basis of a tenancy right claimed by the Petitioner.

4. Learned Advocate for the Petitioner submits that the Petitioner would be filing a First Appeal to challenge the judgment and decree dated 16.08.2025 and seeks leave of the Appellate Court to throw such a challenge.

5. Obviously, the reasons contained in the Application under Order 1 Rule 10(2), which have been rejected by the order impugned herein, are the very same reasons that the Petitioner would put forth to justify how he is aggrieved.

6. Since the present petition is now rendered infructuous, it is made clear that the Appellate Court, if such a challenge is thrown to the decree, shall consider the application for leave to appeal against the Judgment and decree dated 16.08.2025 on the basis of any reasons set out therein, which may include the reasoning /claim contained in the application in order 1 Rule 10. The Respondent is entitled to oppose the application, and the same shall be decided on its own merits without being influenced by the order impugned in this petition.

7. With the above observations, this petition stands disposed of as being infructuous.

VALMIKI MENEZES, J.