



Jose

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.354 OF 2025

VICTOR CAITANO COUTINHO

... PETITIONER

Versus

**CONCEPTION COUTINHO @ CONCECAO
COUTINHO AND 2 ORS**

... RESPONDENTS

Ms. Rashvita R. Colevekar with Mr. Harshal Dessai, Advocates for the Petitioner.

Ms. C. A. Coutinho, Senior Advocate with Mr. M. Dessai and Mr. Ivan Santimano, Advocates for the Respondents.

CORAM:- VALMIKI MENEZES, J.

DATED :- 28th November, 2025

P.C.:

1. Having heard the rival contentions at the bar, the impugned order, in my opinion, does not call for any interference. The Appellate Court has reserved the right in the Appellant i.e. the Petitioner herein, to raise and agitate the grounds taken in the application at Exhibit D-21 by even moving an appropriate amendment application to the Memo of Appeal.

2. The learned Counsel for the Petitioner submits that he may be permitted to amend the Memo of Appeal to incorporate the specific grounds of fraud pleaded in the application at Exhibit D-21. Learned Senior Advocate Mr. C.A. Coutinho for the Respondents today records

that he would have no objection to such grounds being incorporated even on an oral application.

3. Considering this position, the District Court shall permit the Appellant on an oral application, to amend the Memo of Appeal and incorporate the grounds of fraud which is raised in the application under Exhibit D-21. The amendment in the Memo of Appeal shall be carried out forthwith before the District Court, as leave has been granted by the District Court in the impugned order to incorporate such grounds. In this manner, there would be no further time wasted and the matter could be heard on all the grounds raised in the Appeal Memo on the next date of hearing i.e. 11.12.2025.

4. Needless to state that all grounds in the Memo of Appeal shall be agitated together and not piecemeal. The application under Order 41 Rule 27, which is at Exhibit D-24 of the record of the Appellate Court, shall be heard and decided along with the Appeal.

5. With these observations, the Writ Petition is rejected.

VALMIKI MENEZES, J.