



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.55 OF 2026

BHIVA LADU MALIK AND 3 ORS

... PETITIONERS

Versus

THE GOVERNMENT OF GOA, THR. ITS
CHIEF SECRETARY AND 71 ORS

... RESPONDENTS

Mr. R. G. Ramani, Senior Advocate with Mr. Pranav Shenvi Kakodkar,
Mr. Gajanan alias Raj Ramani, Advocates for the Petitioners.

Mr. Sudesh M. Usgaonkar, Senior Advocate with Ms. Cidalia Lobo,
Advocate for Respondent Nos. 59 to 72.

Mr. Vishwadh Sardessai (through V.C.), Additional Government
Advocate for Respondent Nos. 1 and 2.

Mr. Deepak Gaonkar, Advocate for Respondent No.9.

Mr. Arjun Naik, Advocate for Respondent No.21, 43 to 45, 49, 51, 53, 54,
56 and 57.

CORAM:- VALMIKI MENEZES, J.

DATED :- 30th January, 2026

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. This Petition impugns the Order dated 20.12.2024 passed on Exhibit D-232 (application for impleadment of Respondents No.59 to 72 as Defendants) in the Suit where the trial Court has granted impleadment.
3. The main contentions raised by the Petitioner, as argued by

learned Senior Advocate, Shri Ramani, are the following:

- a). That the Suit, i.e. Civil Suit No.44/2006 before the District Judge-I at Mapusa, is a representative Suit filed by the Petitioners against four groups of Mahajans to declare the Petitioners and the Defendants to be Mahajans of the Temple of Goddess Sateri at Hasapur in Pernem Taluka; it is further submitted that some of the Respondents who have been impleaded have filed Regular Civil Suit No.51/2012 seeking orders of permanent injunction against the Plaintiffs in the first Suit, on the premise that the Plaintiffs in the first Suit are not Mahajans of the said temple. The second Suit has since been stayed and the trial in the first Suit is ongoing.
- b) It was further submitted that on a bare perusal of the application filed by the Respondents, seeking impleadment in the first Suit, the same could not have been granted by the trial Court in terms of the provisions of sub-Rule (5) of Order I Rule 8 of the Code of Civil Procedure, 1908.

Shri Ramani has taken me through the provisions of sub-Rule (5), and submitted that the impleadment of Defendants, representing the cause failed to properly represent the interest of the contesting parties. He submits that there are no averments made in the application to suggest that the Defendants presently contesting the Sit have been improperly represented or have refused to defend the cause of the impleaded parties.

4. Considering the rival submissions of the parties as argued through

their Counsel, I am of the opinion that the impugned Order does not call for interference. The trial Court, no doubt, has approached the question of impleadment and considered the averments made in the application, but this does not mean that the trial Court is totally denuded of its power to implead a party in sub-Rule (2) of Rule 10 of Order I CPC. The averments in the application apart, the fact of the matter remains that the application for impleadment has been filed by parties claiming to be Mahajans of the temple. They also claim that in some earlier Agreement styled as "Amicable Settlement" dated 23.02.2014, they were misled into signing the same, as the statements made in the Settlement were contrary to the stand taken by them that the Plaintiffs in the Suit were not entitled to claim the Mahajanship.

5. Be that as it may, this is clearly a case where parties sought to be impleaded are admittedly Mahajans of the temple, and would like to contest the claim of the Plaintiffs on the basis of their own defence. Their defence has been that the Suit is filed by persons who cannot claim to be representatives of the Mahajans of the temple, since the Plaintiffs themselves have no right to be Mahajans.

6. I must also take note of the fact that after impleadment was granted, written statement has been filed by the impleaded Defendants and the Plaintiffs' evidence, i.e. cross-examination of the Plaintiffs' witnesses, is nearing the end. Considering that this is a representative Suit, and the trial Court has substantially recorded the Plaintiffs' evidence, there is no reason, at this stage, to interfere with the impugned Order.

Consequently, since no case has been made out for interference with the discretion exercised by the trial Court in the impugned Order, the Writ Petition stands dismissed. No costs.

VALMIKI MENEZES, J.