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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 11 OF 2026

JOHN PHILIP PEREIRA

... PETITIONER

Versus

MARIA SERVULA URMILA

COTTA AND 5 ORS.

... RESPONDENTS

Ms. Favia Misquita with Ms. Prajali Tari, Advocates for the
Petitioner.

Mr. Vivek Rodrigues, Advocate for Respondent No. 4.

CORAM:- VALMIKI MENEZES, J.

DATED :- 15th JANUARY, 2026

ORAL ORDER

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

2. This petition impugns order dated 06.12.2025, rejecting the Petitioner's application under Order 1 Rule 10 CPC for impleadment in Regular Civil Suit No. 4/2024/A, before the Court of Civil Judge Senior Division at Vasco Da Gama. This suit was filed by Respondent Nos. 1 to 5, who are the original Plaintiffs; in the plaint, they have sought relief of declaration against Respondent No. 6 (Comunidade of Cortalim), who

is the sole Defendant in the suit. The suit seeks a declaration of the Plaintiff's title to the suit property comprising of 30,000 sq. mtrs., forming part of land surveyed under Survey No. 133/1 of village Cortalim as depicted in a plan annexed to the plaint. When the suit was nearing completion and at the stage of final arguments, the Petitioner filed an application for impleadment on 14.02.2025.

3. Prior to filing the impleadment application, the Petitioner had filed Writ Petition No. 12 of 2025, which was lodged on 14.10.2024, which came to be disposed of on 24.07.2025. The order passed in the petition records refusal to exercise jurisdiction under Article 226 of the Constitution of India to direct the Comunidade of Cortalim and the Administrator, at that stage, to demolish certain structures which the Petitioner, along with three other Petitioners, claim to be structures illegally constructed by the original Plaintiff. The reason stated in the order of this Court dated 24.07.2025, for refusing to exercise its jurisdiction, was that Petitioner Nos. 1 and 2 therein had also filed proceedings before the Administrator of Comunidade of Cortalim for the very same reliefs, seeking demolition orders under the Code of Comunidade.

4. On perusing the application under Order 1 Rule 10 CPC, the contents of paragraph Nos. 1 to 6 therein refer to

the claims made by the Plaintiff, whilst paragraph Nos. 7 to 14, list out the various grounds which the Petitioner claims are instances of fraud played by the Plaintiff and the collusion between the Plaintiffs and Defendant in the suit. There is not a single averment made in the application by which the Petitioner claims title in the suit property or any statement in the application for the Court to conclude that the Petitioner is a necessary or proper party in the suit or that the Petitioner would be affected by the Decree passed in the suit. In the absence of such a statement, in the application, the same would necessarily have to be dismissed.

5. The Trial Court has considered the application with a very detailed order. It has applied all the principles applicable to grant impleadment to the suit and has correctly dismissed the application on its merits. It has also considered the observations made by this Court in its order dated 24.07.2025, while disposing of the Petitioner's Writ Petition No. 12 of 2025, which was filed by the Petitioner and three other persons.

6. During the course of hearing of this petition, it has also been stated across the Bar that the Petitioner is not a party to the proceedings before the Administrator, referred to in the order passed in Writ Petition No. 12 of 2025, but has sought independent reliefs against the Comunidade of Cortalim

and against the Plaintiffs. The reliefs sought therein are for action under Chapter 12 of the Code of Comunidade. If this be so, the disposal of Writ Petition No. 12 of 2025, by order dated 24.07.2025, would in any case not cover the application of the Petitioner which is pending before the Administrator.

7. Consequently, the present petition is dismissed in limine. It is made clear that the Administrator of the Comunidade of Cortalim may deal with the application filed by the Petitioner, which is dated 21.05.2024, on its own merits and without being influenced by the observations made in the impugned order passed by the Civil Court dated 06.05.2025.

8. No costs.

VALMIKI MENEZES, J.