

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO. 5/2024

UDAY SRINIVAS VAIDYA ... APPLICANT.

Versus

RAJESH MADHUSUDAN DEVARI
@ RAJESH MADHU DEVARI
AND OTHERS. ... RESPONDENTS

Mr Jatin Ramaiya, Advocate for the Applicant.

CORAM : VALMIKI SA MENEZES, J.
DATED : 22nd February 2024

P.C.:

1. This is a Civil Revision Application against an order dated 27/10/2023 passed by the Civil Judge, Senior Division, at Ponda in Regular Civil Suit No.32/2020/B, rejecting the Applicant's application Under Order VII, Rule 11 CPC for rejection of the Plaintiff. The main thrust of the argument is that the Plaintiff does not disclose a cause of action. Alternately, it is argued that the facts pleaded in the plaintiff do not disclose a cause of action, as pleaded in para 3 thereof.

2. After going through the impugned order, I do not find that this is a fit case to interfere in revisional jurisdiction since there does not appear to be any infirmity in the impugned decision as the facts pleaded in the Plain do disclose a cause of action. In any event, the arguments raised in the Application under Order VII, Rule 11 CPC are matters which require evidence to be led by the parties, based on which it is for the Trial Court to conclude whether or not there exists any cause of action or a cause of action has in fact been disclosed.
3. The ground taken in the application falls within the realm of evidence. The Trial Court will have to record the evidence of the parties and come to its own conclusion independent of the observations made by it, in the impugned order.
4. In that view of the matter, no case is made out to interfere in the revisional jurisdiction of this Court. The Application is, therefore, rejected. The Trial Court shall proceed to decide the matter on its own merits, without being influenced by the observations made in the impugned order. All defences that have been raised by the Defendant in the suit will be decided on their own merits.
5. Civil Revision Application is dismissed with no costs.

VALMIKI SA MENEZES, J.