

IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL REVISION APPLICATION NO. 138 OF 2002.

Mrs. Martinha Fernandes e  
Coutinho, w/o Issac Coutinho  
r/at H. No. 114. Agonda,  
Canacona-Goa.

... Applicant.

Versus

Mrs. Lucy Coutinho, w/o  
Francisco Coutinho, r/at  
H. No. 84, Agonda, Canacona.

... Respondent.

Miss Sudha C. Pai Kir, Advocate for the Applicant.

Mr. P.A. Kamat, Advocate for the Respondent.

Coram: P.V. HARDAS, J.

Date: 29th July 2002.

ORAL JUDGMENT.

This Civil Revision Application has been filed against the Order passed by the Civil Judge, Junior Division, Canacona, dated 5th March 2002, in Regular Civil Suit No. 7 of 2002, directing the applicant/original plaintiff to supply better particulars as per the application under Order VI, Rule 5, Exhibit 11, filed by the defendant. The plaintiff being aggrieved by the aforesaid Order, has filed the present Civil Revision Application.

2. The respondent/original defendant had filed Exhibit 11, an application under Order VI, Rule 5 of the Code of Civil Procedure seeking better particulars which are at paragraph 2(a) to 2(c). The learned trial Court, after hearing the plaintiff and the defendant,

by its aforesaid Order, dated 5th March 2002, allowed the application filed by the respondent/defendant and directed the plaintiff to supply the better particulars sought for by the defendant vide Exhibit 11.

3. Miss Pai Kir, the learned counsel appearing for the applicant/plaintiff, has urged before me that the learned trial Court ought not to have allowed the application filed by the respondent/defendant as the better particulars sought for are not germane nor they are necessary for the respondent/defendant to file her written statement. Thus, she claims that the learned trial Court has exercised the jurisdiction with material irregularity.

4. Mr. Kamat, the learned counsel appearing for the respondent/defendant, has supported the Order of the learned trial Court.

5. I have given my anxious consideration to the submissions made by the learned counsel appearing on behalf of the applicant. It is not averred nor is it canvassed before me that the trial Court exercised the jurisdiction not vested on it by law. I have carefully perused the Order of the trial Court and I find that the trial Court has not exercised the discretion with material irregularity in the exercise of its

jurisdiction. The trial Court has passed a discretionary Order and I see no reason to interfere with this Order. Thus, there is no merit in the revision and the same deserves to be dismissed.

6. Civil Revision Application is, accordingly, dismissed with no order as to costs.

(P.V. HARDAS)  
JUDGE.

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