

IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL REVISION APPLICATION NO. 31 OF 2000.

1. Bharat Matondkar,
2. Ignitius D'Souza,
3. A.V. Borkar,
4. Joseph Rodrigues,
5. D.B. Tari,
6. S. D'Souza,
7. Eknath Bandekar,
8. Damodar K. Agestipurkar,
9. John R. Fernandes,
10. Budu Borkar,
11. Kishan Chawan,
All employees of Goa
Shipyard Ltd.,
Vasco-da-Gama.

... Applicants.

Versus

1. Dismissed against R.1
as per Order dated
21.06.2001.
2. Ashok Shinde,
Goa Shipyard Ltd., Vasco.
3. Goa Shipyard Ltd.,
represented by its
Chairman & Managing Director,
Vasco, Goa.
4. R.K. Vajjahu,
General Manager,
(Personal & Administration),
Goa Shipyard Ltd., Vasco.
5. C.I.S.F.,
Assistant Commander,
Goa Shipyard Unit, Vasco.
6. Union of India by its
Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

... Respondents.

Mr. C.R.S. Da Silva, Advocate for the Applicants.

Respondents 1 to 5 absent, though served.

Mr. Joseph Vaz, Additional Central Government Standing
Counsel for the Respondent No. 6.

Coram: P.V. HARDAS, J.

Date: 28th January 2002.

ORAL JUDGMENT.

This Civil Revision Application has been filed by the applicants against the Order passed by the Additional Civil Judge, Senior Division, Vasco, dated 25th June 1998, in Regular Civil Suit No. 46 of 1997, rejecting the application filed by the present applicants, who were shown as plaintiffs in the suit, for deletion of their names. It appears from the record that applications by other plaintiffs, similar to the application moved by the plaintiffs before the trial Court, came to be rejected by a common Order, which is impugned in the present revision. Others being aggrieved by this common Order had filed Civil Revision Application Nos. 221 and 222 of 1999. Both the revisions came to be allowed by the learned Single Judge of this Court by Judgment dated 31st March 2000.

Mr. Da Silva, learned counsel appearing for the applicants, who has very ably argued the matter, has invited my attention to the Judgment of the learned Single Judge of this Court in Civil Revision Application Nos. 221 and 222 of 1999, dated 31st March 2000. According to the learned counsel for the applicants, this Court had set aside the impugned Order qua the applicants before the High Court in those revisions. Therefore, according to him, the ratio of the Judgment of this Court would come to his aid and the revision deserves to be allowed.

I have heard Mr. Vaz, the learned counsel appearing for the Union of India. The learned counsel supports the contention of the learned counsel for the applicants.

The learned trial Judge had stated three reasons in the impugned Order for rejection of the application and they are (i) that a wrong provision of law was quoted by the applicants, (ii) that under Order I, Rule 10(2) there is no provision for deletion and (iii) the application had not been verified by the applicants/plaintiffs. By the Judgment of this Court, dated 31st March 2000, this Court had held that the three reasons ascribed by the learned trial Court for rejecting the application was unsustainable and had allowed the revisions.

In view of this the Civil Revision Application is allowed. The impugned Order passed by the learned trial Court is, hereby, quashed and set aside and the application for deleting the names of the plaintiffs from the record of the Regular Civil Suit No. 46 of 1997 is allowed. The necessary amendment regarding the deletion of the names of the applicants/plaintiffs be carried out after the receipt of the Writ of this Court. No order as to costs.

(P.V. HARDAS)
JUDGE.

ed's.