

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.222 OF 2023

Hillary Clement D'Souza @ Lawry ...Applicant
& Hillary Clement D'Souza
(deceased) thru' Veronica Hillary
Clement

V/s.

Mrs. Ophelia Theofilo De'Abrue & Ors...Respondents

Mr. Girish Godbole, Senior Counsel i/by Pooja
Thakkar for Applicant

Mr. Joaquim Reis, Senior Counsel a/w Mr. Bernardo
J. Reis i/by Mr. Pavan Patil for Respondent No. 1.

CORAM: MADHAV J. JAMDAR, J.
DATE: 6th June 2023

P.C.:

1. Heard Mr. Godbole, learned Senior Counsel appearing for the Applicant and Mr. Reis, learned Senior Counsel appearing for the Respondent No.1.

2. The factual position on record show that the original Plaintiffs, who have filed R.A.E. Suit No.1620/2366 of 2006 have by registered sale-deed dated 17th October 2003 sold the building in which the suit premises is situated to one Mr. Bhawanji Gala. It is the submission of Mr. Godbole, learned

Senior Counsel appearing for the Applicant that therefore with effect from 17th October 2003, said Bhawanji Gala is the owner of the suit property and the Plaintiffs have no right, title and interest in the suit property. In spite of said position, the suit has been filed by the Plaintiffs contending that they are the landlords of the suit building. It is his submission that the Plaintiffs have come up with unclean hands and have played fraud on the Court.

3. Mr. Reis, learned Senior Counsel appearing for the Respondents seeks time to file affidavit-in-reply regarding the above aspect including whether other tenants are paying rent to the Plaintiffs or said Bhawanji Gala and related aspects.

4. Let such affidavit-in-reply be filed in two weeks.

5. The Applicant to file additional paper-book within one week from today.

6. Stand over to **23rd June 2023 at 2.30 pm.**

(MADHAV J. JAMDAR, J.)