



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.368 OF 2025

Colin Mario Rebello

...Applicant

V/s.

John Francis Anthony Gonsalves (since
deceased)

Charles Willibroad Gonsalves

...Respondent

Mr. Ronak Shah with Ms. Anushka Divakaran and Mr. Jay Vyas i/b. M/s.
Dhru & Co. for the Applicant.

Mr. Suraj Shah with Ms. Jinal Bhanushali for Respondent No.2.

CORAM: SANDEEP V. MARNE, J.

DATED: 08 MAY 2026.

P.C.:

1) When the Revision Application is called out for hearing, the learned counsel appearing for the Applicant seeks adjournment on the ground that arguing counsel is not available. Mr. Shah, the learned counsel appearing for Respondent No.2 invites attention of the Court to paragraph 7 of order dated 17 July 2025, which reads thus:-

7. The respondent is also at liberty to file an application for determination of the mesne profit and the same shall be decided on its own merits and in accordance with law.



2) He complains that in *mesne* profit application filed before the Small Causes Court, the Applicant has filed application for stay of the proceedings. This Court has already granted liberty to Respondent No.2 to file application for *mesne* profit enquiry. In such circumstances it is highly objectionable on the part of the Applicant to file application for stay of *mesne* profit enquiry.

3) It is accordingly, directed that the *mesne* profit enquiry shall continue notwithstanding pendency of the present Revision Application. The Small Causes Court shall proceed to pass a formal order rejecting the Application for stay filed by the Applicant.

4) List the Revision Application for hearing on **18 June 2026**.

[SANDEEP V. MARNE, J.].