

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 39 OF 2015

SHRI BABAL GOPINATH FOTTO DESAI

AND ANR.

... Petitioners

Versus

SMT. LAXMI YESSO DESAI THROUGH

HER ATTORNEY SHRI DEVENDRA

YESSO DESAI AND 4 ORS.

... Respondents

Mr. V. G. P. Dukle, Advocate for the Petitioners.

Coram:- N. M. JAMDAR, J.

Date:- 11 March 2015

ORAL ORDER :

By this petition the petitioner challenges the order passed by the Civil Judge, Senior Division, Quepem dated 16 December 2014, refusing adjournment to the petitioners/defendants no.1 & 2, to examine a witness.

2. On 16 January 2015, Court had directed that learned Judge will not pass final judgment until further orders. Mr. Dukle, the learned Counsel for the petitioner submitted that the learned Judge has not proceeded with the matter and the proceedings in the suit are at standstill. Mr. Dukle has submitted that he has produced the copy of the order dated 16 January 2015 in the Trial Court. He submitted that the advocate for the respondents/plaintiffs appearing in the Trial Court is also informed of the present petition and the order.

3. None appears for the respondents. The respondents in fact had not opposed the application for adjournment and had left it to the Court. The learned Judge has rejected the application for adjournment on the ground that it is a time bound matter. Mr. Dukle submitted that it is not a time bound matter. In any case the object sought to be achieved of expediting the trial is frustrated because the proceedings are stayed in the present petition and the respondents are also not appearing so that the petition can be finally disposed of. There is point in keeping the matter pending as it is needlessly delaying the trial.

4. In the circumstances, liberty is granted to the petitioners to make a fresh application, on the same terms as the application dated 16 December 2014. The learned Civil Judge will consider the same favourably, keeping in mind that the respondents had not objected to grant of time to the petitioners. With these observations, the petition is disposed of.

N. M. JAMDAR, J.

NH/-