

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 75 OF 2015

Miss Navsu Alias Navsubai Parshuram

Arolkar,

Aged about 56 years,

d/o late Parshuram Arolkar,

Spinster, non-service,

R/o. H. No. 129, Shirgal,

Dhargalim, Pernem, Goa.

... Petitioner

Versus

- 1) Mrs. Saraswati Vishram Arolkar,
Major of age, w/o. Late Vishram Arolkar,
Housewife,
- 2) Mr. Vassudev Vishram Arolkar,
since deceased and represented
Herein by his Legal representatives,
 - a) Mrs. Saraswati Vishram Arolkar,
(Already on Record as Respondent no.1)
 - b) Ms. Vasanti Vishram Arolkar,
(Already on Record as Respondent no.3)
 - c) Ms. Surekha Vishram Arolkar,
(Already on Record as Respondent no.4)
 - d) Ms. Sugandhi Vishram Arolkar,

(Already on Record as Respondent no.5)

- e) Ms. Srimati Vishram Arolkar,
(Already on Record as Respondent no.6)
- f) Ms. Jayashree Vishram Arolkar,
(Already on Record as Respondent no.7)
- g) Ms. Ujwala Vishram Arolkar,
(Already on Record as Respondent no.8)

3) Ms. Vasant Vishram Arolkar,
Major of age, d/o. Vishram Arolkar,
Married, housewife,

4) Ms. Surekha Vishram Arolkar,
Major of age, d/o. Vishram Arolkar,
Married, housewife,

5) Ms. Sugandhi Vishram Arolkar,
Major of age, d/o. Vishram Arolkar,
Married, housewife,

6) Ms. Srimati Vishram Arolkar,
Major of age, d/o. Vishram Arolkar,
Unmarried, service,

7) Ms. Jayashree Vishram Arolkar,
Major of age, d/o. Vishram Arolkar,
Unmarried, service,

- 8) Ms. Ujwala Vishram Arolkar,
Major of age, d/o. Vishram Arolkar,
Unmarried, service,

All above resident of House No. 130,
Shirgal, Dhargalim, Pernem, Goa.

- 9) Mr. Prakash Raghunath Lad,
Major of age, son of Raghunath
Dattaji Lad, Landlord, presently
Residing at 4/150, Vijay Nagar,
Dr. M.C. Javle Marg,
Dadar (W), Mumbai – 400 028.

- 10) Mr. Abhay Kashinath Lad,
Major of age, son of Kashinath Lad,
Landlord, presently residing at
C/o Krup Intous Diciever and
Executor, Kulkarni Building,
4th Floor, Gandhali Devi Road,
Nalpada, Thane (west) – 400602.

... Respondents

Mr. P. Arolkar, Advocate under legal aid scheme for the
Petitioner.

Mr. P.A. Kamat, Advocate for Respondents No.1 to 8.

CORAM : N.M. JAMDAR, J.

DATE : 5 FEBRUARY 2015

ORAL JUDGMENT :

Mr. P. Arolkar, the learned Counsel for the petitioner seeks leave to delete respondents no.9 & 10 as according to him for the purpose of present petition they are not necessary parties and they are not appearing in the Court below. Deletion granted at the risk of the petitioner.

2. Rule. Rule made returnable forthwith. Respondents waive service. Taken up for disposal by consent.

3. By the impugned order dated 9 October 2014, the learned Civil Judge Junior Division, Pernem refused adjournment to the petitioner who is one of the plaintiffs in the proceedings before him. The learned Civil Judge took note of the several adjournments taken by the petitioner and accordingly refused the application for adjournment and closed the evidence.

4. Though no fault can be found with the learned Civil Judge in taking strict view of the matter since several adjournments were taken by the petitioner, considering the fact that the petitioner is a spinster and that her brother who was the co-plaintiff, expired during the pendency of the suit and she is now contesting the suit on her own, interest of justice requires that an opportunity be given to her. She is represented in this petition through advocate from legal aid.

5. Considering the facts and circumstances of the case, the petition is allowed. Rule made absolute in terms of prayer clause (a). No costs.

6. The petitioner will hence forth attend all the dates before the learned Civil Judge and will not seek needless adjournments. It will be open to the learned Civil Judge to take strict view of the matter if the learned Civil Judge finds that the adjournments are sought by the petitioner without any valid reason.

N. M. JAMDAR, J.

NH