

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 122 OF 2015

Mr. Joseph Sequeira Petitioner

Versus

Mr. Mario Lobo and others Respondents

Mr. N. Sardesai, Senior Advocate with Ms. Pereira Suzette
Savia. A, Advocate for the Petitioner.

Mr. V. P. Thali, Advocate for the Respondents.

CORAM: N. M. JAMDAR, J.

DATE: 17TH FEBRUARY, 2015.

ORAL ORDER:

By this petition, the petitioner challenges the order passed by the Civil Judge, Senior Division, Mapusa dated 17 January 2015, taking a document as partnership deed on record.

2. A suit is filed by the respondent against the petitioner for damages. It is the case of the respondents in the suit that the petitioner-members of panchayat, without any cause, delayed the process of grant of permission, which resulted in substantial loss to the respondents. During the hearing of the suit, an argument was made on behalf of the petitioner as regards the status of the plaintiff and an issue was

framed as to whether the respondents constituted a partnership firm. Pursuant to the framing of the issue, the witness of the respondent produced the partnership deed on record, which is permitted by the impugned order.

3. The learned Civil Judge held that the document needs to be taken on record and relevancy of which will be decided at the time of final disposal of the matter. Prima facie, it does appear that the document was needed to be produced, in view of the additional issue. Prima facie the respondents are directly not concerned with it, as far as relief is concerned. No case made out for interference in the writ jurisdiction. All contentions in respect of the said document are kept open to be argued during the final hearing of the suit.

4. The writ petition is rejected.

N. M. JAMDAR, J.

AP/-