

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 208 OF 2014

SHRI PRABHAKAR XEMBU BHANDARI AND
ANR.,

... Petitioners

Versus

THE STATE OF GOA THROUGH ITS CHIEF
SECRETARY AND 12 ORS.,

... Respondents

Ms. A. Agni, Senior Advocate with Ms. K. Govenkar, Advocate for
the Petitioners.

Shri Ashwin D. Bhobe, Advocate for Respondents No.10 & 11.

Coram:- N. M. JAMDAR, J.

Date:- 2nd February, 2015

ORAL ORDER :

By this petition, the petitioners challenge the order passed by the District Judge, Panaji rejecting an application for production of additional documents in a Civil Suit filed by the petitioners.

2. Petitioners had sought for production of various documents at the stage of evidence. This permission has been rejected on two grounds i.e. the documents sought to be produced are not relevant and no explanation is placed on record by the petitioners why they could not be produced on record earlier.

3. Ms. A. Agni, learned Senior Counsel for the petitioners submitted that mainly the certificate of Village Panchayat and certain photographs are most material to be produced on record. She

submitted that in fact in respect of photographs questions have been asked in the cross-examination. Ms. Agni also relied upon the decision of the learned Single Judge of this Court in the case of Ivy Muriel Fonseca V/s. Porus Adi Doctor reported in 2005 (4) Bom.C.R. 342, to contend that at this stage relevancy of the documents sought to be produced is not material.

4. Shri A.D. Bhobe, the learned Counsel for the respondents no.10 & 11 submitted that the pendency of the litigation is seriously prejudicing respondents as the development of the property is held up. Shri Bhobe submitted that this Court in Appeal From Order No.28/2012 has given a direction on 31 August 2012 to the learned Judge to dispose of the proceedings within one year. Shri Bhobe submits that this application by way of a dilatory tactics.

5. Though it is correct that the relevancy of the documents is not material, what needs to be considered is whether the application is an attempt to protract the litigation. There is already a time bound direction by this Court on 31 August 2012 to dispose of the suit this year, yet proceedings are not yet complete. There is absolutely no explanation as to why the documents, one of them is an easily available public record and certain photographs, could not be produced earlier. No fault can be found with the approach of the learned Judge in rejecting production of the documents, at this belated stage. It is only for the purpose of ascertaining what are the

documents which are sought to be produced being at this belated stage, the learned Judge has looked into whether they are material or not. In view of this position, no error is found in the impugned order. Writ Petition is accordingly rejected. The interim order stands vacated.

N. M. JAMDAR, J.

NH