

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 492 OF 2014**

1. Shri Augustinho C. Braganza,

Son of Caetano Braganza,

and anr.

Residence of H. No.1104,

Zudo Bairro, St. Cruz,

Tiswadi-Goa.

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Petitioners

V e r s u s

1. Shri Sebastiao C. Braganza,

and anr.

Both Indian National,

Residence of H. No.1104,

Zudo Bairro, St. Cruz,

Tiswadi-Goa.

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Respondents

Mr. Nilesh V.S. Shirodkar, Advocate for the Petitioners.

Mr. Joaquim Godinho, Advocate for the Respondents.

CORAM: N. M. JAMDAR, J.

DATE: 20TH FEBRUARY, 2015.

ORAL ORDER:

By this petition, the petitioners challenge the order passed by the Civil Judge Junior Division, Panaji recalling the

witness of the petitioners-plaintiffs.

2. The respondents-defendants had moved an amendment in respect of certain documents which was permitted and the document was also permitted to be produced on record. The respondents had applied to the learned civil judge to put their case to PW.1., which the learned civil judge has granted. This is a discretionary order and I find no perversity or failure of justice. The learned counsel for the petitioners submitted that the document is sought to be proved through PW.1, however, this does not appear to be the position, as the order only enables the defendants to put forth their case.

3. The learned counsel for the petitioners submitted that PW.1 has now taken overseas employment. No such submission was advanced before the Civil Judge. If there is any practical difficulty, the petitioner can always make a appropriate request to the learned civil judge. No interference is called for. The writ petition is accordingly rejected.

N. M. JAMDAR, J.

Ap/-