

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 574 OF 2015

MR. AJAY SHAH AND ANR.,

... Petitioners

Versus

FERNANDO CLAUDIO DE AZEVEDO
RIBEIRO AND 6 ORS.,

... Respondents

Mr. Gaurish N. Agni, Advocate for the petitioners.

Coram:- F. M. REIS, J.

Date:- 30th July, 2015

P.C.:

After hearing the matter for sometime, I have noted that in the impugned order the learned Judge has recorded that the disputed signature on the document marked "X" for identification could be proved by examining a person familiar with the signature. In such circumstances, the petitioners, if so advised, can lead such evidence to prove the disputed signature on said document.

2. Mr. Agni points out that the petitioner may have to enter the witness box again in view of such observation in the impugned order.

3. Considering that this stand has not been taken before the learned Judge, the question of examining the correctness of such submission in the present writ petition would not be justified. As

such, the petition stands rejected, with liberty to the petitioners to challenge the impugned order in case any adverse order is passed against the petitioners, at the time of the final disposal of the suit on merits.

4. The petitioners, if so advised, can also avail of the said observation referred to in the impugned order, in accordance with law and file the necessary application to examine whether, on the basis of the stand of the respondents, the said document can be taken on record. In case, any such application is filed, the learned Judge shall examine the application, on its own merits, after hearing the respondents, in accordance with law.

5. The petition stands disposed of accordingly.

F. M. REIS, J.

ssm.