

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 562 OF 2015

SHRI MANGUESH RAJARAM WAGLE AND
ANR.,

... Petitioners

Versus

SHRI SURESH D. NAIK AND 2 ORS.,

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. M. Furtado, Advocate
for the petitioners.

Coram:- F. M. REIS, J.

Date:- 23rd July, 2015

P.C.:

Heard Mr. S. D. Lotlikar, learned Senior Counsel appearing
for the petitioners.

2. The above writ petition challenges an order passed by the
learned Civil Judge, Junior Division, at Panaji dated 10th July, 2015
in Regular Civil Suit No. 279/2000/D, whereby an application filed
by the petitioners to produce two files pertaining to excise licences
came to be dismissed.

3. Mr. S. D. Lotlikar, learned Senior Counsel appearing for the
petitioners has pointed out that the petitioners require the said files
to establish the falsity of the claim of the respondents as according to
him the respondents have deliberately produced truncated true copies
of the documents received from the concerned Department under the

Right to Information Act. The learned Senior Counsel further points out that the records will be material to establish that some new documents were introduced after the original application for excise licence came to be filed. The learned Senior Counsel has further pointed out that the learned Judge has erroneously taken a view that such files were irrelevant for the purpose of deciding the matter in controversy. The learned Senior Counsel further submits that considering the nature of the dispute before the learned Judge, such files are very much necessary to decide the matter in controversy. The learned Senior Counsel further submits that the learned Judge was not justified to reject the application at this stage.

4. I have given my thoughtful consideration to the contentions of the learned Senior Counsel appearing for the petitioners. By the impugned order, the learned Judge has in fact noted that the petitioners can produce certified copies of the records of the concerned files. With regard to the contentions of Mr. Lotlikar, learned Senior Counsel appearing for the petitioners, that the records will be relevant to examine whether some new documents were introduced subsequently, I find that this aspect can be ascertained only after the petitioners produce the certified copies of the documents from the concerned files, on which the petitioners rely. In case the Court finds any discrepancy with regard to the documents, and in case such aspect is material to decide the matter in controversy in the suit, it is open to the Court to direct the concerned Authority to

produce the files in accordance with law.

5. Subject to the above, I find that no case is made out by the petitioners to entertain the petition under Article 227 of the Constitution. The petition stands, accordingly, rejected. However, liberty to the petitioners to challenge the impugned order in case any adverse order is passed against the petitioners at the time of final disposal of the suit on merits.

F. M. REIS, J.

ssm.