

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 128 OF 2015.

M/s.Premiere Vision & ors.

.. Petitioners

Vs.

Stella Henriques & anr.

.. Respondents

Ms.Bhavika Pitale i/b Panicker & Associates, for Petitioners.
None for Respondents.

***CORAM: N.M.Jamdar J.
Monday 30 March, 2015***

Oral Order:

By this petition, the Petitioners challenge the order dated 25 July 2014 below Exhibit No.35 in R.A.E Suit No.232/439/2009. The Suit is filed by the Petitioners for eviction of the Respondents.

2 In this suit the Petitioners took out an application that the Defendant's witness Mrs.Maria Henriques who is the daughter-in-law of the Defendant is sitting inside the Court room, during the recording of the evidence of the Plaintiffs and she should be directed to sit outside the Court. The learned Judge considered this request and found that the presence of Mrs.Maria Henriques in the Court hall will not affect the Plaintiffs and no prejudice will be caused. The learned counsel for the Petitioners has not been able to show any legal position or a decision whereby such direction can be issued. Furthermore, it is a purely discretionary order passed by

the learned Judge in process of conducting the trial. For want of any prejudice or an absolute legal proposition, no interference is warranted in the writ jurisdiction.

Petition is accordingly rejected.

(N.M.Jamdar, J.)