

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 94 OF 2016

IN

WRIT PETITION NO. 826 OF 2010

DIRECTOR OF TRANSPORT THROUGH
SUNIL MASURKAR.

... Applicant

Versus

M/S. COSME COSTA THROUGH ITS
MANAGING PARTENR MR. CARMINO
COSTA, AND SONS AND ANR.,

... Respondents

Ms. Purna Bhandari, Addl. Government Advocate for the applicant.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 4th February, 2016

P.C.

Heard.

2. By order dated 04.01.2016, it was made clear that the above petition would be taken up for final hearing on 10.02.2016 and liberty was given to the applicant/State Government to file an additional affidavit if they so desired within one week of the said order. On perusal of the averments in the above application, we find a sorry state in complying with the directions of this Court as though an order was passed after hearing the learned Government Advocate that such additional affidavit had to be filed within one week from the said date, nevertheless, the averments in the application suggest that the files were only allotted to the concerned Addl. Government

Advocate on 25.01.2016. Besides that the learned counsel appearing for the respondents has also brought to our notice the earlier order dated 29.09.2015 wherein there is a clear direction therein in connection with the disposal of the above petition. We expect that any directions issued by this Court are strictly complied with and we shall not in future condone such attitude in case directions are not followed on such vague and untenable grounds. But however, in the peculiar facts and circumstances of the case and considering the nature of the dispute raised in the above petition, we hereby grant last and final opportunity to the applicant/State Government to file an additional affidavit on or before 12.02.2016. In case no such affidavit is filed, the right of filing such affidavit shall stand automatically forfeited. The respondents/petitioners if so advised may file rejoinder, if any, to such affidavit at least two days before the next date of hearing.

3. With the aforesaid directions, place the petition for final hearing first on board on 23.02.2016.

4. The application stands disposed of accordingly.

K. L. WADANE, J.

F. M. REIS, J.

at*