

IN THE HIGH COURT OF BOMBAY AT GOA PANAJI

WRIT PETITION NO. 368 OF 2016

Mr. Navneethan Rajgopal Ambaram,
Son of Rajgopal Ambaram'
Aged about 77 years, businessman,
R/o House No. 124/A,
Opp. Gomteshwar Temple,
Sasmollem, Baina,
Vasco-da-Gama-403 802.
As sole proprietor of the businessman
known as "M/s. Jaya Marine Services"
(E-Mail id:
jayamarine_service@rediffmail.com)

..... Petitioner

V e r s u s

STACO Co. Ltd.,
A duly incorporated company under the laws
of the Republic of Korea
having its Registered office at:
1591-7, Sangjeong-dong,
Gangseo-gu, Busea, Korea,
Through its Goa Local Manager
Having its Goa local office at:
Flat No.8, Valley View Residency,
Alto Chicalim, Goa-403 711,
And also having its Goa Project office at:
C/o Goa Shipyard Ltd.,
Vaddem, Vasco-da-Gama, Goa-403 802.
(E-Mail id: stacojo@gmail.com)

.... Respondent

Shri T. Pereira, Advocate for the Petitioner.

Shir Arjun Naik, Advocate for the Respondent.

CORAM: C. V. BHADANG, J.
DATE: 16th June, 2016.

ORAL JUDGMENT:

Rule. The learned counsel for the respondent waives service. The petition is heard finally by consent of the parties.

2. The petitioner, who is the plaintiff is challenging the order dated 8/3/2016 passed by the learned Senior Civil Judge of Vasco-da-Gama in Special Civil Suit No.26/2011/B, by which application (Exhibit 62) filed by the petitioner for issuing a witness summons to the Manger, Goa Shipyard Ltd. for production/proof of documents at Exhibit C-31 (colly) Exhibit C-39 (colly) and C-51 (colly), has been rejected.

3. The learned Trial Court in para 5 of the impugned order has observed that the document at Exhibit C-39 is the letter of the defendant and the plaintiff cannot seek the assistance of the defendant to prove its case. In fact, it would appear that the petitioner is seeking the issuance of summons to the concerned officer of the Goa Shipyard Ltd. and thus, it is not possible to accept that the petitioner is seeking assistance of the defendant to prove its case only because the said letter is written by the defendant. In any case the documents at Exhibit C-31 and C-51 have been already been exhibited while document at exhibit C-39 is exhibited subject to production of the original.

The learned counsel for the parties point out that the said exhibit C-39 is a letter dated 1/7/2008 written by the defendant to the General Manager Commercial, Goa Shipyard Ltd.. It can thus be seen that if the document Exhibit C-39 is exhibited subject to the production of the original, the summons to the Officer of Goa Shipyard Ltd. would be necessary. In such circumstances, the petition is allowed. The application Exhibit C-62 is allowed as prayed. Rule is made absolute in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.