

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 928 OF 2015

1. Shri Ramshankar Kevat,
s/o, Ramlaxman Kevat,
Age 45 years, service and his wife;
2. Smt. Asha Kevat,
Age 39 years, housewife,
Both Indian National and
Resident of h. No. 53, Sasmolem,
Baina, Vaso da Gama, Goa. Petitioners

V e r s u s

Mrs. Mangala K. Mahale,
w/o. K. Mahale, major in age,
service, Indian National,
r/o. H. No. 51, Mahableshwar Niwas,
Near Gomteshwar Temple, Sasmolem,
Baina, Vasco da Gama, Goa. Respondent

Mr. P. A. Kamat, Advocate for the Petitioners.
Mr. Anthony Rebello, Advocate for the Respondent.

Coram :- **C. V. BHADANG, J**

Date : **21st April, 2016**

ORAL JUDGMENT

Rule. Rule is made returnable forthwith. The learned Counsel for the Respondent, waives service. Heard finally by consent of the parties.

2. The Petitioners, who are the original Plaintiffs, are challenging the Orders dated 03.08.2015 and 05.10.2015 passed by the learned Civil Judge Senior Division at Vasco in Regular Civil Suit no.81/2014/A. By the Order dated 03.08.2015, the application filed by the Petitioners for adjournment was rejected and the evidence of the Petitioners was closed. By the subsequent Order dated 05.10.2015, the Trial Court has refused to re-open the evidence of the Petitioners

and to allow production of documents.

3. After hearing the learned Counsel for the parties for sometime, I find that there is some lapse on the part of the Petitioners in promptly proceeding with the suit as the Trial Court has recorded that on four occasions, time was sought and inspite of last chance being granted, the Petitioners did not lead their evidence as a result of which, the impugned Order dated 03.08.2015, came to be passed. The learned Counsel for the Petitioner submits that on the previous date, time was sought by the Respondents.

4. Learned Counsel appearing for the Respondent submits that in the event the Court is inclined to set aside the said Order, the same may be subject to appropriate costs.

5. Considering the overall circumstances, the following Order is passed :

ORDER

(i) The Petition is allowed.

(ii) The impugned Orders dated 03.08.2015 and 05.10.2015 are hereby set aside subject to payment of costs of Rs.10,000/- to be paid to the Respondent within two weeks from today.

(iii) Rule is made absolute in the aforesaid terms.

C. V. BHADANG, J.

arp/*