

IN THE HIGH COURT OF BOMBAY AT GOA.**WRIT PETITION NO.1061 OF 2016.**

Mrs. Roxann Sharma,
Major, American National,
Presently C/o 1/S2 Garden
Centre, II, Near Police
Station, Mapusa, Goa. Petitioner.

Versus

Mr. Arun Sharma, Major,
R/o No.80 Magnolia, Bim
Vaddo, Betalbatim,
Salcette, Goa. Respondent.

Mr. S. Pinto, Advocate for the petitioner.

Mr. R. Menezes and Mr. A. Viegas, Advocates for the
respondent.

Ms. C. Collasso Advocate for the intervenor.

CORAM : F.M. REIS, J.

DATE : 22nd November, 2016.

ORAL JUDGMENT

Heard Shri S. Pinto, learned Advocate for the
petitioner, Shri R. Menezes, learned Advocate for the
respondent and Ms Maria Caroline Collasso, learned Advocate
for the Intervenor.

2. Rule.

3. Heard forthwith with the consent of the learned counsel appearing for the respective parties.

4. The learned Counsel appearing for the respondents waives service.

5. The petitioner challenges issuance of summons to the intervenor who is an advocate and represented the petitioner, to produce an email letter dated 6.2.2014 in his possession addressed by the learned Advocate appearing for the respondent. There was a debate between the learned Counsels appearing for the petitioner, intervenor as well as the respondent, concerning the justifiability and the manner in which the learned Judge issued summons dated 19.11.2016 to be personally present. It is pointed out by Mr. R. Menezes, learned Counsel appearing for the respondent that the direction to produce the document was essentially in view of the fact that there was an objection raised by the petitioner to the subject email message which is marked Exh.22 with regard to the authenticity, contents and proof thereof. The learned Counsel appearing for the intervenor has pointed out that the existence

of such email message at Exh. 22 is not disputed by either the petitioner or the intervenor. The petitioner also does not dispute the authenticity and the contents of the email at Exh. 22. It is however pointed out by the learned Counsel for the intervenor that the original of the email message is not presently in possession of the intervenor as it pertains to the year 2014.

6. Considering that the petitioner and the intervenor do not dispute the authenticity and the contents of the email message and the document has already been marked as Exh.22, there is no need for the intervenor to produce such document. Accepting the said statement upon instruction of the learned Counsel appearing for the petitioner and the learned Counsel appearing for the intervenor, I find that the petition can be disposed off on the basis thereof, as the authenticity and the contents of the document at Exh.22 is not disputed by the petitioner.

7. In the light of the above, the impugned summons dated 19.11.2016 would no longer survive, accepting the said statements on instructions of the learned Counsel appearing for

the petitioner and the intervenor.

8. Rule disposed off accordingly.

F.M. REIS, J.

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