

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1005 OF 2015

SHRI.GIRIDHAR, THROUGH SHRI. P.
PANDURANG RAO.

... Petitioner

Versus

SMT. USHA RADHIKA.

... Respondent

Ms. Asha A. Desai, Advocate for the Petitioner.

Mr. E.O. Mendes, Advocate for the Respondent.

Coram:- S. B. SHUKRE, J.

Date:- 1st February, 2016

P.C:

Heard learned Counsel for the petitioner and learned Counsel for the respondent.

2. It is contended by the learned Counsel for the petitioner that a wrong and erroneous roznama of the date 11.11.2014 is the root cause, which has been challenged in this petition.

3. The noting in the roznama dated 11.11.2014, by which the petitioner is aggrieved, to the effect that the evidence of the petitioner who is respondent before the trial Court has been closed. According to the learned Counsel for the petitioner, the order passed on 11.11.2014 would show that final opportunity for leading evidence was given to the petitioner. She further submits that this wrong

assumption has resulted in passing of the subsequent impugned order.

She also submits that since the petitioner is residing far away from Goa, he could not acquire any knowledge of the impugned order and the erroneous roznama and that is the reason for delay in the petition.

4. The contention of the petitioner in this writ petition for delay in approaching this Court has to be dismissed out rightly. The roznama clearly shows that the petitioner had acquired knowledge on 11.11.2014 as his Advocate sought for time before the trial Court in order to enable the petitioner to challenge the order which led to said noting in roaznama. However, the order was not challenged. In this case, what is challenged is only the roznama dated 11.11.2014, which itself would show that the petitioner has not approached this Court with clean hands. It also suggests the possibility of the petitioner trying to make an effort to delay the proceedings. The roznama of dates subsequent to 11.11.2014 also shows that all along, the matter had been kept for final argument and it cannot be accepted that simply because the petitioner was residing away from Goa, after fixing the matter for a period of about 11 months in this way, the petitioner has approached this Court only in December, 2015.

5. In the result, I find that this writ petition suffers from laches on account of inordinate delay in approaching this Court and also lack of bonafides on the part of the petitioner. The petition deserves to be dismissed.

6. Writ Petition stands dismissed.

S. B. SHUKRE, J.

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