

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 273 OF 2017

IN

WRIT PETITION NO. 258 OF 2017

AUDUTH TIMBLO.,

... Applicant

Versus

DILIP TIMBLO AND 5 ORS.,

... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. Vinod Vishnu Korgaonkar, Advocate for the applicant.

Mr. Vallabh D. Pangam, Advocate for the respondent no.1.

Coram:- F. M. REIS, J.

Date:- 4th April, 2017

P.C.

Heard Mr. J. E. Coelho Pereira, learned Senior Counsel appearing for the applicant and Mr. V. Pangam, learned counsel appearing for the respondent no.1.

2. This is an application for extension of time to comply with the directions issued by this Court in the order dated 23.03.2017 to complete the inquiry on or before 19.06.2017.

3. Mr. Coelho Pereira, learned Senior Counsel appearing for the applicant submits that presently the respondent no.1 is in witness box who has tendered his affidavit and is in the process of tendering the documents. The learned Senior Counsel further pointed out that on account of personal reasons, the applicant had to proceed abroad and is expected to return on or before 29.04.2017 and as such, the cross examination of the respondent

no.1 should be deferred as according to him the presence of the applicant would be required to take instructions in the matter considering the nature of the dispute. It is further pointed out that as such the time fixed by this Court in the said order be extended by a period of 15 days.

4. On the other hand, Mr. V. Pangam, learned counsel appearing for the respondent no.1 has strongly objected for any further extension as according to him the matter is pending for a long time. It is also pointed out that the presence of the applicant is not required for the purpose of cross examination.

5. Having heard the learned counsel, I do not propose to examine the rival contentions with regard to the extension of time at this stage but considering the stand taken by Mr. Coelho Pereira, learned Senior Counsel appearing for the applicant, I find it appropriate to hold that the evidence of the respondent no.1 as well as the cross examination may continue but however, the learned Judge shall ensure that the cross examination is not concluded before 29.04.2017 and fix a date immediately thereafter as per the convenience of the Court for further cross examination of the respondent no.1.

6. With the aforesaid directions, the application stands disposed of accordingly.

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