

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 696 OF 2015

MRS.SITADEVI DESHPRABHU ALSO KNOWN
AS JALA VALAULCAR (DECEASED) AND 4
ORS.,

... Petitioners

Versus

DEVENDRA RAGHURAJ DESHPRABHU AND 3
ORS.,

... Respondents

Shri Ashwin Naresh Ramani, Advocate for the Petitioners.

Shri Parag Rao, Advocate for Respondent Nos. 2 and 4.

Coram:- C. V. BHADANG, J.

Date:- 27th January, 2017

ORAL ORDER:

On 21.12.2015, the respondents were put to notice that the matter could be disposed of finally at the stage of admission. Accordingly, the petition is taken up for final disposal.

2. I have heard Shri Ramani, the learned Counsel for the petitioners and Shri Rao, the learned Counsel for respondent nos. 2 and 4. None appears for respondent nos. 1 and 3.

3. The petitioners are challenging the order dated 06.02.2015 passed by the learned Trial Court, by which application for production of documents, filed by the petitioners, has been partly allowed. The Trial Court while allowing the production of affidavit, registered under no. 1370/2007 has disallowed the

production of affidavit, registered under no. 1371/2007, on the ground that the said document is an incomplete document.

4. The learned Counsel for the petitioners pointed out that the affidavit is not an incomplete document. He pointed out that the said affidavit is in prescribed format to be furnished by the candidate alongwith the nomination form.

5. The learned Counsel for respondent nos. 2 and 4, in all fairness states that the production can be allowed, subject to all just exceptions to the admissibility and the probative value of the said document.

6. I have carefully perused the affidavit under registration no. 1371/2007. In view of the concession on behalf of respondent nos. 2 and 4 and subject to all just exceptions to the admissibility and probative value of the affidavit being kept open, I find that the production can be allowed.

7. In the result, the following order is passed:

(a) The petition is allowed.

(b) The impugned order dated 06.02.2015, is hereby set aside.

(c) The Trial Court shall allow production of the affidavit bearing registration no. 1371/2007, subject to all just exceptions to the admissibility and the probative value to be attached to the

said document.

(d) The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

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