

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 703 OF 2017

IN

FIRST APPEAL NO. 111 OF 2016

OSWALD CALDEIRA, REP. BY CLARA
EUGENIA CALDEIRA.,

... Applicant

Versus

DEVENDRA NAIK AND 2 ORS.,

... Respondents

Mr. Milton Marshal, Advocate for the Applicant.
Mr. Netravalkar, Advocate for the Respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 8th September 2017

P.C.

It is the contention on behalf of the Applicant that the Applicant is being taken care of by his mother who is 76 years of age. He is otherwise bedridden due to the permanent disability suffered by him in the course of a vehicular accident and therefore prays for an expeditious hearing of the Appeal on merits.

2. Shri Netravalkar, learned Advocate for the Respondents submits that the accident took place sometime in the year 2003 and the Claim Petition was filed only in the year 2012. The Applicant had procured the disability certificate directly from the

Goa Medical College in 2013. Besides, the panchanama and the sketch show that the respondents were not at all rash and negligent in driving the vehicle. In any event, all these grounds urged in the reply touch the merits of the case and do not directly rebut the case of the Applicant on an expeditious hearing. Shri Netravalkar, learned Advocate, in the meantime also seeks leave of the Court to produce the certified copies of the panchanama and the sketch in the main Appeal.

3. Leave is accordingly granted to the learned Advocate for the Respondents to produce the certified copies of the panchanama and the sketch in the main Appeal. There is enough substance in the application and therefore an early hearing is granted.

4. Application stands disposed of accordingly.

5. Shri Marshal, learned Advocate for the Applicant undertakes to prepare the private paper book. The matter is peremptorily fixed for hearing on 03.11.2017.

NUTAN D. SARDESSAI, J.

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