

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 921 OF 2017

MARIA BEATRIZ DE SOUZA., ... Petitioner

Versus

AGNELO JOHN BOSCO SAVIO
FERNANDES., ... Respondent

Adv. J. Abreu Lobo for the Petitioner.
Adv. A. F. Diniz with Adv. Ryan Da Piedade Menezes for
Respondent.

Coram:- C. V. BHADANG, J.

Date:- 5th December 2017

P.C.:

On hearing the learned counsel for the parties the petition can be disposed of on a short count.

2. The petitioner has filed Misc. Civil Application No.80/2009/A against the respondent for custody of the child. That application is pending before the learned Ad-hoc Senior Civil Judge,'A' Court at Panaji. When the respondent was under cross examination, he filed an application seeking time on the ground that he wants to get himself operated on account of his ailment and sought leave of the Court to examine the witness Octaviano Dias before the completion of his cross examination. The learned Trial Court by the impugned order has granted three

months time to the respondent from 22/8/2017 to 15/11/2017 and permitted the respondent to examine Mr. Octaviano Dias on certain conditions.

3. It is apparent that the period of three months has already expired long back.

4. The learned counsel for the respondent, on instruction, states that the respondent will make himself available for cross examination on and from 4/1/2018 for a period of one month.

5. The learned counsel for the petitioner states and undertakes that the cross examination of the respondent shall be concluded within this period.

6. The statements so made are accepted.

7. In that view of the matter the petition is disposed off in the following terms with the consent of the parties:

(i) The respondent shall make himself available for cross examination on and from 4/1/2018 for a period of one month.

(ii) The respondent shall ensure that the cross examination is concluded within the said period.

(iii) The respondent shall examine any other witness on his behalf after the conclusion of his cross examination.

(iv) The Trial Court shall proceed to hear the application as expeditiously as possible.

C. V. BHADANG, J.

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