

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 948 OF 2017

DOMNIC ALMEIDA, THR. ITS POA,
GAJENDRA SINGH.,

... Petitioner

Versus

GOA TOURISM DEVELOPMENT
CORPORATION, THR. ITS MANAGING
DIRECTOR.,

... Respondent

Mr. C. A. Ferreira, Advocate for the petitioner.

Coram:- C. V. BHADANG, J.

Date:- 8th November 2017

P.C.

Leave to amend prayer clause (b) granted. Necessary correction to be carried out forthwith.

2. Heard Shri Ferreira, the learned Counsel for the petitioner for some time.

3. The petitioner had sought cross-examination of the Commissioner on the report of the Commissioner, which was submitted on 05/12/2016. The learned Trial Court has refused to grant the prayer inter alia on the ground that the stage of recording evidence has not yet been reached. The learned Trial Court has noticed that even issues are yet to be framed and thus,

found, and to my mind rightly so, that the application is premature. The learned Trial Court has reserved liberty to the petitioner to move a similar application once the suit is posted for hearing i.e. for recording evidence. In such circumstances, I do not find that any case for interference is made out.

4. The learned Counsel for the petitioner has submitted that the Commissioner's report is likely to be taken into consideration while deciding the application for Temporary Injunction. In this regard, it may be mentioned that the petitioner has already filed his objection to the Commissioner's report. Needless to mention that the learned Court, while deciding the application for Temporary Injunction, shall take into consideration the objections raised on behalf of the petitioner to the Commissioner's report.

5. With this, the petition is dismissed.

C. V. BHADANG, J.

SMA