

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 95 OF 2018

THE GOA INDUSTRIAL DEVELOPMENT
CORPORATION, THR. THEIR MANAGING
DIRECTOR, NARAYAN GAD.,

... Petitioner

Versus

PRAVINKUMAR GOSALIA AND ANR.,

... Respondents

Shri Parag S. Rao and Shri Ravin Anand, Advocates for the
petitioner.

Shri Sudesh Usgaonkar and Ms. R. Pereira, Advocates for the
respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 16th July 2018

P.C.

Heard Shri Rao, the learned Counsel for the petitioner and
Shri Usgaonkar, the learned Counsel for the respondent no.1.

2. The short contention on behalf of the petitioner is that on
06/01/2018, time was sought by Advocate Shri Ravi Anand to
cross-examine AW1, the witness of the respondents as Advocate
Shri Rao, who was to conduct the cross-examination, was not
available. The record shows that after the Court refused to grant
time, Advocate Shri Ravi Anand has cross-examined AW1 and
the cross-examination is recorded to be completed.

3. It is contended on behalf of the petitioner that certain questions, which were intimated to Advocate Shri Ravi Anand, were in fact asked during the course of cross-examination of AW1, which were not allowed and a fact that such questions were asked and specifically disallowed, is not recorded by the Trial Court.

4. I am afraid, the proper course for a party to follow in such a case is to apply to the same Court. This is because it is not possible to ascertain on the basis of the record, whether indeed such questions were asked and whether they were disallowed. (CENTRAL BANK OF INDIA VS. VRAJLAL KAPURCHAND GANDHI AND ANOTHER; (2003)6 SCC 573). In such circumstances, no case for interference is made out, at this stage. The petitioner would be at liberty to file appropriate application to the Trial Court, as may be permissible in law. If such an application is filed, the Trial Court shall decide the same in accordance with law and without being influenced by the observations of this Court.

5. Writ Petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA