

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 345 OF 2018**

Mr. Teofilo D'Souza, major of age, married,
occupation-business, R/o Mathais Villa,
Bambolim, Goa. Petitioner

Versus

Mr. Anant Pansekar, major of age, Advocate
and Notary, married, having his office at 2nd
Floor, Fatima Chambers, Panjim, Goa. Respondent

Shri Rohan P. Desai, Advocate for the Petitioner.

Shri Dinesh Naik, Advocate for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 20th JUNE 2018

ORAL JUDGMENT:

Heard. Rule made returnable forthwith. The learned Counsel for the respondent, waives service. Heard finally by consent of parties.

2. On the basis of a complaint filed by the petitioner, an inquiry is initiated before the State Registrar cum Notary Service, against the respondent no. 1. Admittedly, there was also a police complaint filed and an FIR was registered. Ultimately, 'A' final summary report was filed by the investigating agency, before the learned Magistrate being Case No. FR/15/16-A of P.S. Old Goa. The 'A' final summary report is pending acceptance before the learned Magistrate.

3. Before the Registrar, the respondent produced the 'A' final summary report, which production has been allowed. When the petitioner sought to produce the reply filed before the learned Magistrate, opposing the acceptance of the final summary report, before the competent authority, the competent authority by order dated 06.12.2017 has refused the production of the same, which order is subject matter of challenge in this petition.

4. I have heard the learned Counsel for the parties and perused record.

5. The learned Counsel for the petitioner submitted that once, the 'A' final summary report is allowed to be produced, the competent authority ought to have allowed the production of the reply filed to the 'A' final summary report.

6. On the contrary, the learned Counsel for the respondent strenuously urged that the complaint filed by the petitioner is false and motivated.

7. I am afraid, the question whether, the complaint is false or otherwise, will have to be decided by the competent

authority. Even the 'A' final summary report is pending acceptance before the learned Magistrate. All that the petitioner wants is to produce reply to the 'A' final summary report before the competent authority. Once, the production of the 'A' final summary report was allowed, the competent authority could also have allowed the reply to such 'A' final summary report. At this stage, the only question is whether, the production of such reply was required to be allowed and it is neither necessary nor appropriate, in this petition, to go into the merits of the complaint, filed by the petitioner, pending before the competent authority, which the competent authority shall decide on its own merits and in accordance with law.

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

ORDER

- (a) The petition is allowed.
- (b) The impugned order is set aside.
- (c) The competent authority shall permit the petitioner to produce the reply to the 'A' final summary report.
- (d) Needless to mention that this Court has not expressed any opinion on the merits of the complaint, pending before the competent authority.
- (e) Rule is made absolute in the aforesaid terms with no order as to costs.

C.V. BHADANG, J.

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