

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 204 OF 2018

AMIT NARAYAN PAI., ... Petitioner

Versus

DOMIGOS FELICIO DIAS, REP. BY HIS
POA, HYACINTA PAMELA BARRETO E
SOARES., ... Respondent

Shri Shivan Desai, Advocate for the petitioner.

Shri Dhaval Damodar Zaveri, Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 9th August 2018

P.C.

Heard the learned Counsel for the parties.

2. The learned Counsel for the parties submit that the petition can be disposed of by consent and this Court may not record the reasons. In such circumstances, the petition is disposed of by consent of parties in the following terms :

(i) The part of the order permitting production of the documents under Order XLI, Rule 27 of CPC is hereby confirmed.

(ii) In view of the fact that the learned Counsel for the petitioner does not dispute the existence of the documents, the part of the order sending the matter

back to the learned Trial Court to record evidence,
is hereby set aside.

(iii) The learned Appellate Court shall decide the appeal on
its own merits and in accordance with law.

(iv) The issue about relevancy, effect and the probative value
of the documents is left open, to be gone into by the
Appellate Court.

(v) The petition is disposed of in the aforesaid terms, with
no order as to costs.

C. V. BHADANG, J.

SMA