

IN THE HIGH COURT OF BOMBAY AT GOA.**Writ Petition No. 334 of 2018**

ANTHONY CAETAN LUCAS ARAUJO

Petitioner

Versus

ROMANO SEBASTIAN ARAUJO.

Respondent

CORAM : NUTAN D.SARDESSAI, J
Decided :11th April, 2018.**ORAL ORDER :**

1. Heard Shri A.D'Silva, learned Advocate for the petitioner and Ms.Satardekar, learned Advocate for the respondent.
2. Shri D'Silva, learned Advocate took me through the records of the Trial Court to show the status of the proceedings before the Trial Court and that on account of these reasons he was constrained to file adjournment applications on two successive occasions. Ms.Satardekar, learned Advocate objected to the petition and a reversal of the order under the premise that the witness sought to be examined, was not listed in the list of witnesses nor the affidavit-in-evidence furnished to the respondent to apprise on the status of the witness and the contents of the affidavit. Without prejudice to her contention, she pressed for heavy costs, if the Court was inclined to allow the application.
3. Considering that the parties are at serious issue of determination of their rights and that the petitioner would not stand to benefit by delaying the proceedings and the witness is material for dealing with the plea taken by the petitioner, the order of the learned Trial Judge cannot be sustained, which is otherwise cryptic. Besides, the learned Trial Court was not justified to insist on the medical certificate of the

party when the ground urged was of the illness of the mother-in-law and the witness was to accompany her ailing mother-in-law to the doctor.

4. In that view of the matter, i am constrained to allow the petition, however, subject to costs to the respondent and directing the petitioner that there shall be no further adjournments on any grounds whatsoever.

5. In view thereof, the petition is allowed. The impugned order denying the liberty to the petitioner to examine his witness is quashed and he is saddled with the costs of ₹5000/-.

6. In the above terms, the petition stands disposed off.

NUTAN D. SARDESSAI, J

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