

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1049 OF 2017**

Mr. Navaneethan Rajgopal Ambaram, son of Rajgopal Ambaram, aged about 73 years, businessman, r/o House No. 124/A, Opp. Gomteshwar Temple, Sasmollem, Baina, Vasco da Gama, Goa - 403 802.

As sole proprietor of the business known as "M/s Jaya Marina Services" (E-mail id: jayamarine_services@rediffmail.com) (deceased), Through his legal representatives:

- (a) Mr. Ambaram Bhaskar, son of late Navaneethan Rajgopal Ambaram, age 50 years, businessman, married, r/o House No. 124/A, Opp. Gomteshwar Temple, Sasmollem, Baina, Vasco da Gama, Goa - 403 802.
- (b) Mrs. Ambaram Lakshmi Priya, wife of Mr. Ambaram Bhaskar, age 39 years, businessperson, married, r/o House No. 124/A, Opp. Gomteshwar Temple, Sasmollem, Baina, Vasco da Gama, Goa - 403 802.
- (c) Mrs. Ambaram Jaya Kumari, widow of late Mr. Navaneethan Rajgopal Ambaram, age 74 years, housewife, widow, r/o House No. 124/A, Opp. Gomteshwar Temple, Sasmollem, Baina, Vasco da Gama, Goa - 403 802.
- (d) Mrs. Lata Rajaram, daughter of late Navaneethan Rajgopal Ambaram, wife of Mr. P. Rajaam, age 53 years, service, married, r/o House No. 124/A(2), Opp. Gomteshwar Temple, Sasmollem, Baina, Vasco da Gama, Goa - 403 802.
- (e) Mr. Rajaram Panduranga, son of P. Panduranga, son-in-law of late Navaneethan Rajgopal Ambaram, age 55 years, business, married, r/o House No. 124/A(2), Opp. Gomteshwar

Temple, Sasmollem, Baina, Vasco da
Gama, Goa - 403 802.

.... Petitioners

Versus

Staco Co. Ltd.,

A duly incorporated company under the laws of Republic of Korea, having its registered office at 1591-7, Sangjeong-dong, Gangsco-gu Busea, Korea, Through its Goa Local Manager, having its Goa local office at Flat No. 8, Valley View Residency, Alto Chicalim, Goa-403 711 and also having its Goa Project office at:- C/o Goa Shipyard Ltd., Vaddem, Vasco da Gama, Goa - 403 802. (E-mail id: stacojo@gmail.com) (Fax No. + 8251 831 7010 22 2647 2408)

.... Respondent

Shri Bhargav M. Khandeparkar, Advocate for the Petitioners.

Ms. Mehendi Naik Desai, Advocate for the Respondent.

CORAM:- C.V. BHADANG, J.

DATE:- 5th March, 2018.

ORAL JUDGMENT:

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

2. The challenge in this petition is to the order dated 10.11.2017, passed by the learned Trial Court, refusing to defer the chief examination of Shri Prashant Gunjekar (PW-2).

3. Shri Prashant Gunjekar (PW-2) is the Deputy Manager, Human Resource Department in Goa Shipyard Limited. He was sought to be examined on behalf of the petitioners, in order to produce originals of the documents at Exhibit Nos. 31, 39 and 51, which he was unable to produce for the reason that the documents being of the year 2008, could not be traced and he required some more time, to produce the same. The said witness claimed that he requires time till 10.12.2017 to check if, the originals of the documents Exhibit Nos. 31, 39 and 51 are available in the record of the Goa Shipyard Limited.

4. The learned Trial Court however, refused to defer the chief examination, principally, on the ground that the suit is old and there are general directions for expeditious disposal of old matters and that previously also, time was sought to produce the documents.

5. Shri Khandeparkar, the learned Counsel for the petitioners submitted that one month's time be granted as a last chance.

6. On hearing the learned Counsel for the parties and on perusal of the record, I find that in the interest of fair trial and opportunity to the petitioner, time needs to be granted to the petitioners, to further examine Shri Prashant Gunjekar (PW-2) and to produce the documents if, the same are available with the Goa Shipyard Limited.

7. In such circumstances, the petition is allowed. The impugned order is hereby set aside. The learned Trial Court shall issue a fresh witness summons to Shri Prashant Gunjekar (PW-2), returnable five weeks, to produce the documents and in order to enable the witness to trace the documents.

Rule is made absolute in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

EV