

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1098 OF 2018

UDAY PANDURANG TEJAM.,

... Petitioner

Versus

LATA UDAY TEJAM @ LATA LAXIMAN
ANANDACHE.,

... Respondent

Ms. Maria Correia, Advocate for the petitioner.

Shri Eshan Usapkar, Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 5th December 2018

P.C.

By this petition, the petitioner is challenging the order dated 10/10/2018 and 31/10/2018, passed by the learned Senior Civil Judge, Vasco-da-Gama in Marriage Petition No.25/2018 (Old Marriage Petition No.107/2011). That is a petition filed by the petitioner for Annulment of Marriage, in which the petitioner examined himself and was cross-examined on behalf of the respondent. Thereafter, the petitioner sought to produce certain documents and was proposed to be recalled for being re-examined in so far as the said documents are concerned. For the said purpose, the petition was fixed on 10/10/2018. On that day, the petitioner sought time on the ground that his father was ailing and was admitted in the Goa Medical College and

Hospital. However, the learned Trial Court, finding that the petition is more than five years old, has refused to grant adjournment. This is the first order, which is subject matter of challenge in this petition. The petitioner filed an application Exh.12 for recall of the said order, in which it was additionally claimed that the petitioner was allotted some urgent official work, due to which he could not attend on 10/10/2018. The learned Trial Court has dismissed the said application by the order dated 31/10/2018, which is the second impugned order.

2. I have heard the learned Counsel for the parties.

3. It is true that the marriage petition is filed way back in the year 2011, which is still part heard. It transpired during the course of arguments that the petition was initially filed before the Senior Civil Judge at Mapusa and at the instance of the respondent, it was transferred to the Court of Senior Civil Judge at Vasco-da-Gama and was re-registered as Matrimonial Petition No.25/2018. Be that as it may, considering the fact that the father of the petitioner was ailing, in support of which, the petitioner has produced the papers of the Goa Medical College and Hospital and further on account of the fact that he was entrusted with some official duty and in the interest of justice, I find that an opportunity needs to be granted to the petitioner to re-examine himself. This will, however, subject to the condition

that the petitioner positively remains present on the next date to re-examine himself and shall not seek any further time.

4. In the result, the petition is allowed. The impugned orders are hereby set aside. The petitioner is permitted to re-examine himself on the next date of hearing.

C. V. BHADANG, J.

SMA