

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 553 OF 2019

SANE DE MENEZES GUERREIRO ANTAO
AND 3 ORS.,

... Petitioners

Versus

SRIHARI SUBRAI NAIK KURADE AND 5
ORS.,

... Respondents

Mr. Ryan Da Piedade Menezes with Mr. Nigel Fernandes,
Advocates for the Petitioners.
Adv. V. A. Lawande for the Respondent nos.1 to 4.

Coram:- C. V. BHADANG, J.

Date:- 25th July, 2019

Oral Order:

On 1/7/2019, a notice for final disposal was issued in this petition to the respondent nos. 1 to 4, being the original plaintiffs and the contesting respondents.

2. I have heard Mr. Menezes, the learned counsel for the petitioners and Mr. Lawande, the learned counsel for the contesting respondent nos. 1 to 4.

3. The challenge in this petition is to the order dated 30/4/2019 passed by the learned Senior Civil Judge at Quepem in Regular Civil Suit no.37/2006/A, by which the evidence of the petitioner (defendant nos.3 to 6) stands closed.

4. The record discloses that an application was filed before the trial court on 30/4/2019 seeking time on the ground that the petitioner no.4 (defendant no.6) Dr. Herlia Furtado, who was to be examined on behalf of the petitioners was required to leave the country on an emergency along with the defendant nos. 3 and 4 and they were expected to come back on 20/5/2019. The learned trial court has refused to grant adjournment on the ground that the suit is ten years old and the emergency as set out in the application is not specified.

5. Today Mr. Menezes, the learned counsel for the petitioners has produced a copy of the passport to show the relevant entry dated 1/5/2019, to show that the petitioner no.4 was required to go abroad. The said entry is at the International Airport at Mumbai and therefore, it is contended that the petitioner no. 4 was required to leave Goa a day before i.e. on 30/4/2019.

6. Mr. Menezes, the learned counsel for the petitioners submits that the petitioners only intend to examine defendant no.6 or his sister-in-law, who is the defendant no.3 along with one expert witness and have no other evidence to lead. The statement so made is accepted.

7. Considering the overall circumstances, the petition is allowed.

The impugned order is hereby set aside. The petitioners are permitted to lead their evidence on the next date of hearing or any other date to which the trial court may adjourn the suit. The parties to cooperate for early disposal of the suit. The petition is disposed off in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

ap/-