

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 922 OF 2017

PREMABAI DINANATH PAI ANGLE, THR
POA BY PETITIONER NO. 13 AND 15
ORS.,

... Petitioners

Versus

KAMAL @ CAMALABAI NAIQUE DESSAI @
ANUSUIA KRISHNA FAL DESSAI @
ANUNSUIABAI FOLO DESSAI AND 19
ORS.,

... Respondents

Adv. Abhijeet Kamat for the Petitioners.

Coram:- C. V. BHADANG, J.

Date:- 18th June 2019

Oral Order:

On 8/10/2018, a notice for final disposal was issued to the respondents. The record discloses that the respondents have chosen not to appear though served. Thus the petition is taken for final disposal on hearing the learned counsel for the petitioner.

2. The petitioners, who are the original plaintiffs are challenging the order dated 11/10/2017 passed by the learned trial court closing their evidence in the suit. The first witness of the petitioner PW.1, has already been examined. The learned counsel for the petitioners, on instructions, states that the petitioners have only one more witness, namely, Mr. Vinayak D. Pai Angle.

Considering the overall circumstances and in the interest of justice, a fair opportunity has to be granted to the petitioner to lead and complete his evidence. In such circumstances, the petition is allowed. The impugned order is hereby set aside, subject to the petitioners depositing costs of Rs.10,000/- (Rupees ten thousand only) to be paid to the District Legal Services Authority. The costs shall be paid within a period of two weeks from today.

3. The petition is disposed off in the aforesaid terms.

C. V. BHADANG, J.

ap/-