

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.969 OF 2019**

REDSTONE SPACES,
THR. ITS PROP., SHAKEEL
AFZAL LADAK, THR. HIS POA,
YUVRAJ K. BANDODKAR AND ANR. PETITIONERS

VERSUS

PETER PAUL D'SOUZA AND 6 ORS. RESPONDENTS

Shri Parag Rao, Advocate for the Petitioners.
Shri V. Rodrigues, Advocate for the Respondents No.1 & 2.
Ms. S. Kamat, Additional Government Advocate for the Respondents
No.3,4 & 5.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 31 March 2021

P.C. :

The petitioners are the defendants 1 & 2 in Civil Suit No.42 of 2009 pending before the District Judge -1, North Goa, Panaji. Respondents 1 & 2 are the plaintiffs. In the midst of the trial the plaintiffs filed two applications : one for bringing on record additional documentary evidence; the other for impleading those who are said to be *lis pendens* purchasers.

2. According to the petitioners, when the counsel on both sides had been arguing in the first application for additional evidence the learned trial Judge without concluding the proceedings ordered notice to those proposed parties. Aggrieved, the petitioners have come before this Court.

3. The learned counsel for the petitioners strenuously contends that the trial Judge has not assigned any reason why the proposed party should be put on notice. Pre impleadment, both on the question of additional evidence and also on the question of their impleadment that order according to him is non-speaking.

4. On the other hand, the learned counsel for the respondents 1 & 2

have submitted that the trial Judge has exercised its discretion and this Court may not interfere.

5. Heard Shri Parag Rao, the learned counsel for the petitioners, Shri Vivek Rodrigues, the learned counsel for the respondents no.1 & 2 and Ms. S. Kamat, the learned Additional Government Advocate for the respondents no.3,4 & 5.

6. Indeed, I reckon, in the application for bringing on record additional documentary evidence, the proposed parties need not be put on notice. The trial Court will decide that application on the merits, if it chooses, after hearing the respective counsel of the parties already on record.

7. As to the impleadment, though it may not be necessary to put the proposed parties on notice pre impleadment, the trial Judge has however exercised his discretion. I do not intend to interfere with that discretion.

8. I, therefore, dispose of this Writ Petition with the above observations.

9. As has been brought to my notice that earlier the trial Judge has issued common notice in both the applications, the notice will be treated as the one in the second application for impleadment.

DAMA SESHADRI NAIDU, J.