

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 345 OF 2022

JAGDISH CHOWGULE	... Petitioner.
VS	
THE STATE OF GOA THR. ITS CHIEF SECRETARY AND 4 ORS	... Respondents.

Mr. N. Takkekar, Advocate for the Petitioner.

Mr. D. Shirodkar, Addl. Govt. Advocate for the respondent no.1.

Mr. A. D Naik, Advocate for the respondent no. 5.

CORAM:	G. S. KULKARNI, J.
DATE:	22 SEPTEMBER 2022.

P.C.:

1. Heard learned counsel for the petitioner and for the respondents.
2. This petition assails an order dated 13 July 2022 passed by the learned Trial Judge(District Judge-I at Panaji Goa) on an application as filed on behalf of the petitioner/plaintiff below Exh.D-41, whereby a prayer as made by petitioner/plaintiff that the order dated 1 March 2021 passed by the learned trial Judge refusing to extend time to carry out amendment, as permitted to the petitioner/applicant by order dated 6 February 2021 be recalled and the plaintiff be permitted to amend the plaint, after enlarging the time to carry out the amendment.

3. Having heard learned Counsel for the parties and perused the record as also the application and the impugned order, in my opinion, it clearly appears that the petitioner/plaintiff had engaged an Advocate and due to an inadvertence on the part of the Advocate, which was certainly a period under the influence of the COVID Pandemic, the amendment could not be carried out.

4. In these circumstances taking a reasonable view of the matter, the learned trial Judge ought to have extended time and permitted the petitioner/plaintiff to carry out the amendment considering the interest of justice unwarranted technicalities and rules of procedure cannot defeat the interest of justice.

5. Application of the petitioner is accordingly allowed by setting aside, the impugned order and also the order dated 1 March 2021. The petitioner/plaintiff is permitted to carry out the amendments within a period of three weeks from today.

6. All the contentions of the parties on the principal proceedings are expressly kept open.

7. Disposed of in the above terms. No costs.

G. S. KULKARNI,J.