

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8011 OF 2022

Savio Robert Gonsalves

... Petitioner

Vs.

Christopher Rodrigues & Ors.

... Respondents

Ms. Eventa Andrea Gonsalves a/w Mr. Reyden L. Gonsalves for
Petitioner

Mr. Prashant H. Chauhan a/w. Adv. Vishal Raut for the respondents.

CORAM : NITIN W. SAMBRE, J.

DATED : 19th OCTOBER, 2022

P.C.:

1. The challenge in the petition is to the order dated 13/01/2020 passed below Exhibit-84 in RAE Suit No. 840 of 2009 initiated by the petitioner/plaintiff wherein prayer for issuance of witness summons came to be rejected.
2. The said order was confirmed by Division Bench of Small Causes Court in revisional jurisdiction vide order impugned dated 03/03/2021. As such, this petition.
3. The contentions are, once the Court below has passed an order allowing the application Exhibit-77, the same has to be taken to its logical end by permitting the prayer by issuing summons to the witnesses as was prayed.

4. I have perused the order of the Revisional Court which in detail deals with the repeated opportunities given to the petitioner in the matter for leading evidence and cross examination of the witnesses to which the petitioner has failed to. Rather both the Courts below have rightly formed an opinion that the petitioner intend to cover up the shortfall by issuing summons to the witnesses after the commencement of the cross examination of the defendant's witness.
5. That being so, no case for interference in extraordinary jurisdiction of this Court is made out.
6. The petition as such fails and stands dismissed.

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(NITIN W. SAMBRE, J.)