

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.116 OF 2019

VIKRAM KAUSHIK AND 2
ORS.

....PETITIONERS

Versus

PIYUSH PROPERTY
MANAGEMENT (GOA) PVT.
LTD., THR. ITS DIRECTOR,
PRAKHAKAR NERULKAR
AND 3 ORS.

....RESPONDENTS

Mr. Sahish Mahambrey, Advocate for the Petitioners.

CORAM : M. S. SONAK, J.

DATE : 22nd FEBRUARY 2023

P.C. :

- 1.** Heard Mr. Mahambrey for the petitioners.
- 2.** Apart from the fact that there is lack of diligence in taking steps to serve the respondents in this petition, there is no jurisdictional error in the impugned order dated 08.10.2018 by which the learned Trial Judge declined opportunity to the petitioners to cross-examine the plaintiff.

3. The record discloses that a number of adjournments were sought and such adjournments were also granted by the Trial Court. The Trial Court granted a final opportunity to the petitioners to cross-examine the witnesses subject to payment of costs of ₹500/-. Despite this final opportunity, neither was cross-examination proceeded with nor were costs deposited. In these circumstances, the Trial Court was justified in declining further opportunity. If repeated opportunities are to be granted despite indicating that the previous opportunities were final opportunities, then, there would be no meaning to the expression “**final opportunity**”.

4. There is no jurisdictional error in the impugned order. Accordingly, this petition is dismissed. There shall be no order for costs.

5. The Trial Court should proceed with the suit. The Registry to forward a copy of this order to the Trial Court immediately.

M. S. SONAK, J.

NITI K
HALDANKAR

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