

Shakuntala

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.110 OF 2024**

1. COMUNIDADE OF REVORA,
Represented by its duly authorised attorney,
Mr. Shyam Fadte, 60 years,
Having Office at Revora Church Building,
Revora, Bardez, Goa

... PETITIONER

VERSUS

1. Shri Arjun Krishna Korgaonkar,
son of late Krishna Z. Korgaonkar,
Age 55 years, married, business
2. Smt. Sudha @ Subhadra A. Korgaonkar,
Wife of Shri Arjun K. Korgaonkar
Married, Housewife,
3. Shri Tulshidas K. Korgaonkar,
son of late Krishna Z. Korgaonkar,
Age 50 years, married, business
4. Smt. Trupti T. Korgaonkar,
Wife of Shri Tulsidas K. Korgaonkar,
Age 40 years, married, Housewife
5. Shri Vishwas K. Korgaonkar,
son of late Krishna Z. Korgaonkar,
Age 45 years, married, Service
6. Smt. Smita V. Korgaonkar,
wife of Shri Vishwas K. Korgaonkar,
Age 37 years, married, business,
7. Smt. Vatsala Z. Korgaonkar,
Wife of late Zilu K. Korgaonkar,
Age 60 years, married, Ret. Service
All r/o. H.no. 313, Mazilwado, Revora,
Bardez, Goa.

8. The Headmistress,
Government Primary School,
Mazilwada, Revora, Bardez, Goa.

9. The Education Department,
Represented by its Director of education,
Porvorim, Goa.

10. The Administrator of Comunidade of Bardez,
North Goa, Opposite near Civil Court, Mapusa,
Mapusa, Bardez, Goa.

11. State of Goa,
Through its Chief Secretary,
Secretariat, Porvorim, North Goa, Goa. ... RESPONDENTS

Mr. Prasheen Lotlikar with Mr. R. Naik, Advocates for the
Petitioner.

Mr. Ashwin Bhobe with Ms. Ashwini Bandekar, Advocates for the
Respondent No. 1 to 7.

Ms. Sulekha Kamat, Additional Government Advocate for
Respondent Nos. 8 to 11.

CORAM: BHARAT P. DESHPANDE, J.

DATED : 15th February, 2024

ORAL JUDGEMENT

1. Heard Mr. Prasheen Lotlikar, learned Counsel appearing for
the Petitioner, Mr. Ashwin Bhobe, learned Counsel appearing for
the Respondent Nos. 1 to 7 and Ms. Sulekha Kamat, learned
Additional Government Advocate appearing for Respondent Nos.
8 to 11.

2. Rule.

3. Rule is made returnable forthwith.
4. Heard the parties with consent.
5. The Petition is filed challenging the Order passed by the learned Fast Track Court, Mapusa thereby dismissing the application filed by the Petitioner for production of additional documents. The Petitioner is the Defendant No. 5 in the said suit. The application filed by the Petitioner for production of additional documents was at the stage when the evidence of Plaintiff and other Defendants was already over. The application is filed for production of Additional Documents and to rely upon such documents discloses that during cross examination of the witness, certain questions were asked and accordingly the need to file the documents exists.
6. After hearing the parties for sometime, Mr. Lotlikar now submits that even if the Petitioner is allowed to produce the two documents i.e. the authority letter dated 30.01.2023 issued by the Administrator of Comunidade and the handing over of charge by the concerned clerk in July, 2013(page 8), the Petitioner will be satisfied and will not press for other documents.
7. Learned Counsel Mr. Bhobe, appearing for the Respondent would submit that that purpose of filing of this petition is to fill up

the lacunas which were found during the cross examination of the witness. However, he fairly submits that the authority letter dated 30.01.2023 could be allowed to be produced.

8. The second document is the record with regard to handing over of the charge by the Clerk. Such document is infact record maintained by the Comunidade in its day to day affairs. Though this document was available with the Comunidade and not produced at the relevant time the Comunidade could be permitted to place such document on record.

9. Accordingly, the Petitioner is permitted to place the authority letter dated 30.01.2023 and the handing over of charge by the Clerk which is the record maintained by the Comunidade and produced at page 85 of the paperbook.

10. The petition is accordingly disposed of allowing the Petitioner to place the authority letter and handing over of charge of July, 2013. The impugned Order with regard to rest of the documents is not interfered with.

11. Rule is made absolute in above terms.

12. Petition stands disposed of.

BHARAT P. DESHPANDE, J.