



Esha

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.915 OF 2023

MARIA LOURDES DIAS

... PETITIONER

Versus

MICHAEL CRISTOVE DIAS @ MIGUEL C.
DIAS (SINCE DECEASED THR HIS LRS)
AND 42 ORS

... RESPONDENTS

Mr. F.E. Noronha, Advocate for the Petitioner.

Mr. Iftikhar Agha, Advocate for Respondent Nos. 1(a), 1(b) and 2.

Mr. Sharmad Bodke, Advocate for Respondent Nos. 6, 7, 13, 14, 17,
24 and 25.

Mr. Luis Fernandes, Advocate for Respondent Nos. 26, 27, 28, 30,
32, 33 and 34.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 22nd November, 2024

ORAL ORDER:

Heard Mr. Noronha for the Petitioner, Mr. Agha for Respondent Nos. 1(a), 1(b) and 2, Mr. Bodke for Respondent Nos. 6, 7, 13, 14, 17, 24 and 25 and Mr. Luis Fernandes for Respondent Nos. 26, 27, 28, 30, 32, 33 and 34.

2. Today while arguing the matter, Mr. Noronha would submit that his party would be satisfied if the original documents of which the notarized copies are produced through PW-1 are shown to the

Advocate appearing for the Petitioner, just prior to cross-examining PW-2. He submits that when the documents were produced in evidence, the Petitioner and her Advocate were absent and the notarized copies were produced. He would submit that after part examination of PW-1, the said witness expired.

3. Mr. Noronha submits that though certain orders were passed by the Trial Court including review of its own order, the purpose of filing this Petition would be served if the Respondents/Plaintiffs produce the original documents for perusal of the Advocate for the Petitioner, prior to conducting the cross-examination of PW-2. Mr. Noronha submits that he wants to satisfy himself/Petitioner that the notarized copies produced on record are of the original documents.

4. Mr. Agha appearing for the original Plaintiffs submits that the notarized copies are already produced by showing the original documents to the Court, however, he agrees that the Plaintiffs will show the original documents to the learned Counsel for the Petitioner prior to conducting the cross-examination of PW-2.

5. Accordingly, the Petition could be disposed of by directing the Respondents/Plaintiffs to bring the original documents, the notarized copies of which are produced through PW-1 for perusal of the learned Counsel for the Petitioner/Defendant, just prior to cross-examination of PW-2.

6. It is reported that the concerned Court is vacant and there is no Presiding Officer. However, whenever the matter is taken up for cross-examination of PW-2 by the said Court or even the incharge Court, the original documents shall be brought to the Court for perusal of the learned Counsel for the Petitioner. The original documents shall be perused by the learned Counsel for the Petitioner/Defendant and the same shall be returned to the concerned party on the same day, just before the cross-examination starts.

7. It is made clear that the notarized copies of such documents are already marked as exhibits during the examination of PW-1 and the learned Trial Court has already passed an order that such documents cannot be re-produced or re-exhibited. Such orders shall remain in force.

8. In view of the above observations, the Petition stands disposed of.

BHARAT P. DESHPANDE, J.