



Esha

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.634 OF 2024

H. HUMKICHAND JAIN, SOLE
PROPRIETOR OF DIAMOND EXPORTS ... PETITIONER
Versus
JYOTI PRAKASH GHODE AND 6 ORS ... RESPONDENTS

Mr. Preetam Talaulikar, Advocate for the Petitioner.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 4th September, 2024

P.C.

Heard Mr. Talaulikar for the Petitioner.

2. The challenge in the present Petition is to the rejection of the adjournment Application and closing the Plaintiff's evidence.

3. Mr. Talaulikar submits that an Application was filed for production of secondary evidence, which was rejected by the Trial Court and accordingly, at the request of the Plaintiff/Petitioner the file was handed over to another Advocate for filing an Appeal.

4. In the meantime, there was no Presiding Officer in the Trial Court and accordingly, the matter was adjourned on two occasions. When the matter was taken up by the Trial Court on 30.07.2024, the Advocate appearing for the Petitioner filed an Application seeking

time to lead evidence on the ground that the Plaintiff took the file and did not return it to him. Such an Application was rejected without disclosing any reasons.

5. Mr. Talaulikar submits that the Petitioner/Plaintiff has been prevented from producing his evidence and since the file was not available with the concerned Advocate appearing before the Trial Court as the Plaintiff is from Mumbai, there was a genuine reason for adjourning the matter.

6. Issue notice to the Respondents, returnable on 19.09.2024. Apart from regular service, service by other modes is permissible.

BHARAT P. DESHPANDE, J.