

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9430 OF 2024

IN

WRIT PETITION NO. 3112 OF 2015

~~Maria Felicia Sequeira~~

(since deceased)

Sebastian Joseph Sequeira & Anr.

Applicants

.. (Org. Plaintiffs)

Versus

Chandrakant Kantilal Shah & Ors.

Respondents

.. (Org. Defendants)

-
- Mr. Rajendra Kamble for Applicants

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 20, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 20.06.2024.
3. Heard Mr. Kamble, learned Advocate for Applicants.
4. By filing the present Interim Application, Applicants seek modification of the order dated 16.04.2024 passed in above captioned Writ Petition.
5. In the first instance, there is no whisper in the Application as to why the Applicants did not remain present on the date on which the said order was passed by this Court. Today a request is made by the Applicants by filing the present Application that modification be made

in the directions contained in paragraph No. 3 of the said order. Request is to the effect that Plaintiffs desire to lead evidence of witnesses out of which some of them are Government Officers. These are statutory officers whose designations have been mentioned in the Application. There is a set procedure which is available to the Plaintiffs in law if they desire to seek evidence of any Government Officers. It is not a matter of right for the Plaintiffs to desire that the Government Officers and more specifically Statutory Officers of the Government should be called to the Court for giving evidence in their favour as per the Plaintiffs' desire. This practice is deprecated by this Court. If the Applicants make an appropriate Application as available to them in law before the learned Trial Court, learned Trial Court shall determine the same strictly in accordance with law.

6. I find no reason to interfere or modify the directions contained in paragraph No. 3 of the order as per the desire of the Plaintiffs who have once again made a request to record their evidence stage wise. It is seen that Plaintiffs are indulging in delaying tactics. Present Interim Applicant is meritless and nothing but sheer abuse of the process of law. Because of the present Application almost two months have lapsed from the date of passing of the order dated 16.04.2024. Suit is of the year 2012. It appears that Applicants - Plaintiffs desire to conduct the Suit according to their own procedure and do not wish to

abide by the CPC which is the impression conveyed to the Court in the present case. Be that as it may, considering that all contentions of the parties have been expressly kept open, there can be no impediment for the Plaintiffs to make an appropriate Application as available to them in law in so far as the examination of their witnesses is concerned for witness action. If any such Application is made, it shall be determined on its own merits by the learned Trial Court.

7. With the above directions, present Interim Application is rejected and disposed.

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[MILIND N. JADHAV, J.]

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