

WRIT PETITION NO. 428 OF 2003

Shri Dharma K. Bhomkar,
r/o Bhoma, Goa, House No.
244, Gaudewada, Contractor,
P.O. Marcela, Goa.

... Petitioner.

Versus

1. State of Goa, by its
Chief Secretary, having
office at Secretariat,
Panaji, Goa, and
2. The Chief Engineer,
Irrigation Department,
Government of Goa, having
office at Altinho, Panaji,
Goa.

... Respondents.

Shri A. Nasnodkar, advocate for the petitioner.

Shri S.R. Rivonkar, Government Advocate for the State.

CORAM : R. J. KOCHAR, J.

DATE : 28th August, 2003.

ORAL JUDGMENT

Rule.

Heard learned counsel on both sides. Perused the proceedings. This Writ Petition is being disposed of at this stage itself by consent of the learned counsel for the respondents. It will not be in the interests of justice to deny opportunity to the petitioner to examine an expert witness as proposed by him before the trial Court, in the given circumstances. Besides, the respondents have not yet commenced their evidence and, therefore, no prejudice of any nature would be caused to them if the petitioner is allowed to examine his expert witness on the next date, which the trial Court will fix, according to the convenience of all. It is

needless to mention that the respondents will have an opportunity to cross-examine the said witness.

2. In these circumstances, the impugned Order dated 12th August, 2003, is hereby quashed and set aside. Rule is made absolute in terms of prayer Clause (a). The trial Court shall act on a true copy of this Order authenticated by the Sheristedar of this Court.

C.C. expedited.

R. J. KOCHAR, J.

mc.