

WRIT PETITION NO. 407 OF 2003

Mr. George Benneth  
Carvalho, Flat No.10,  
Second Floor, Alto  
Monte Co-op. Housing  
Society, Margao, Goa.

...Petitioner

Versus

Mr. Avito Carmo Almeida,  
@ Alvito Almeida,  
r/o Bapsoro, Velim,  
Salcete, Goa, presently  
r/o Sapana Terrace,  
3rd Floor, Swatantrapath,  
Vasco, Goa.

...Respondent.

Shri P.A. Kamat, Advocate for the petitioner.

Shri M. B. D'Costa, Senior Advocate with Shri J. A.  
Lobo, Advocate for the respondent.

CORAM : R. J. KOCHAR, J.

DATE : 28th August, 2003.

ORAL ORDER

The Writ Petition is being disposed of at this stage by consent of the learned counsel. The petitioner is aggrieved by the Order dated 27th January, 2003, passed by the Administrative Tribunal, Goa in Eviction Appeal No.26/98, rejecting the application made by the petitioner herein seeking permission to produce the documents referred to in the said application dated 4th June, 1997. It will not be in the interests of justice to deny to the petitioner an opportunity to produce the documents as the petitioner is heavily relying on them and, as according to him, his earlier lawyer did not produce those documents and, therefore, the petitioner is seriously prejudiced.

Without entering into this controversy, the learned counsel for the respondent has fairly suggested that let the Tribunal accept the evidence and record the evidence, instead of sending the matter to the lower court. The learned counsel for the petitioner accepts the said suggestion.

The impugned Order dated 27th January, 2003, is, therefore, quashed and set aside. The learned Tribunal is hereby directed to take on record the documents referred to by the petitioner in his application dated 4th June, 1997 and allow the respondent to cross-examine the petitioner on that point. The Tribunal shall record evidence only to the extent of the documents. The learned Tribunal shall decide the legality/validity of the said documents in accordance with law.

The Writ Petition is disposed of. No order as to costs.

R. J. KOCHJAR, J.

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