

IN THE HIGH COURT OF BOMBAY AT GO

(LD-VC-OCW-69/2020)

IN

WRIT PETITION NO.822 of 2019.

M/s Modelama Exports Ltd. Applicant.

Vs

M/s Trimurti Exports and ors. Respondents.

Shri J. Vaz, Advocate for the applicant.

Shri S. Sayed, Advocate holding for Shri J. Supekar, Advocate for the respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 20th August 2020.

P.C.

On the last occasion, the learned counsel for the petitioner sought two weeks' time. It was on the ground that the counsel on record has some medical urgency in the family; then, the respondents' counsel opposed it. He pointed out that the petitioner had secured an ex parte order and had been dragging the proceedings. So this Court adjourned the matter by ten days.

2. Again, today Shri S. Sayed, the learned counsel appearing for counsel on record, repeats his request and submits that a member of the counsel's family has still been ill. So the petitioner's counsel needs three weeks. He, nevertheless, submits that if the counsel on record is not ready by then, the petitioner will have his alternatives: he will engage another counsel.

3. But the learned counsel for the respondents, Shri J. Vaz, points out that last year this Court directed the petitioner to produce all the statements of account from the bank; till date, however, he has complied with that direction. In the same breath, he insists that there is no justification for the petitioner to drag the litigation having secured an ex parte order.

4. Under these circumstances, I find force in the contentions advanced by the respondents' counsel. At the same time, given the fact that a member in the counsel's family is unwell, this Court desires to give one last opportunity to the petitioner—by three weeks. If the petitioner is not ready by then, this Court may proceed to decide the matter on the merits based on the material available on record.

Stand over to 4.9.2020.

DAMA SESHADRI NAIDU, J.

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