

**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 135 OF 2015

SHRI PANDURANG VISHNU MAHATME  
(SINCE DECEASED) THROUGH POA, MRS.  
KALPANA HEMANT JOSHI.

... Petitioner

Versus

MR. OTTO JAIME HAMILTON P. DE  
SOUZA AND ANR.,

... Respondents

Shri Shirin V. Naik, Advocate for the petitioner.

Coram:- F. M. REIS, J.

Date:- 19th June, 2015

P.C.:

Heard Shri S.V. Naik, learned Counsel appearing for the petitioner.

2. This is a petition, challenging an order allowing the application for amendment. The learned Judge, upon examining the material on record, has granted leave to amend. Merely because the amendment to the Rent Control Act came into force after the original proceedings for eviction were initiated cannot, by itself, disentitle the applicant to introduce such an amendment to the original application to take the advantage of the amendment to the Act, if they are so entitled. This view has been taken by this Court in a Judgment reported in 2014 (2) Mh. L.J. 46, in the case of Michael Anthony William Gareth and another vs. Maria Do rosario da Fatima and

another.

3. As such, there is no jurisdictional error committed by the learned Judge. The petitioner, if so advised, is at liberty to take all contentions while filing the written statement.

4. Subject to above, no interference is called for in the writ petition. The writ petition is dismissed accordingly.

F. M. REIS, J.

ssm.