

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.151 OF 2015.

Mr. Francisco Fernandes, Major of
age, businessman, C/o Wilson Bar &
Restaurant, House No. 313, Collem,
Taluka Sanguem, Sanguem, Goa. Petitioner.

Versus

Mr. Peter Colaco(since deceased),
major of age, resident of House
No.512, Morailem, Church road,
Curchorem, Goa. Through his legal
heir,

1(a) Mr. Elvis Colaco, Major of
age, Resident of House No.
512, Morailem, Church road,
Curchorem, Goa. Respondents.

Shri J. Godinho, Advocate for the petitioner.

Shri Sudin Usgaonkar, Senior Advocate with Ms. V. Palyekar,
Advocate for the respondents no.1(a).

CORAM : F.M. REIS, J.

DATE : 12th June, 2015.

ORAL JUDGMENT

Heard Shri J. Godinho, learned Advocate appearing
for the petitioner and Shri Sudin Usgaonkar, learned Senior
Advocate appearing for the respondents no.1(a).

2. Rule. Heard forthwith with the consent of the
learned Counsel for the parties. The learned Counsel appearing
for the respondent no.1(a) waives notice.

3. After hearing the matter for sometime, the above petition stands disposed of by consent and upon instructions of the petitioner and the respondent who are present in the Court by passing following:-

O R D E R

- i. The impugned order dated 2.1.2015 passed by the learned Principal District Judge in Rent Appeal No. 46/2013 and order dated 27.9.2012 passed by the learned Rent Controller in case No.BLDG/RC/12/2000 are quashed and set aside.
- ii. The case no. No.BLDG/RC/12/2000 is restored to the file and stands transferred to the learned Civil Judge, Junior Division at Quepem, in view of the amendment to the Goa Rent Control Act.
- iii. The learned Judge is directed to dispose of the said proceeding as expeditiously as possible and in any event within one year from the date of receipt of this Order.
- iv. The Application under Section 32(3) of the Rent Control Act filed by the petitioner and the application under Section 32(4) of the Rent Control Act filed by the respondent herein shall be heard and decided as expeditiously as possible within three months from receipt of this Order.

- v. During the pendency of the said application the petitioner shall deposit without prejudice to the rights and contentions of both the parties a sum of Rs. 500/- per month from January, 2015 and continue to deposit such amount every month until the disposal of the application under Section 32(3) of the Rent Control Act.
- vi. Arrears of such amount shall be deposited within two months from today.
- vii. Liberty to the respondent to withdraw the arrears of rent deposited by the petitioner and withdraw the amount which the petitioner shall deposit without prejudice to the rights and contention of the both the parties and subject to final order in the said application under Section 32(3) of the Rent Control Act.

4. Rule stands disposed of accordingly.

F.M. REIS, J.

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