

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 20 OF 2015

SHRI VALLABH VAMAN BHOBE.

... Petitioner

Versus

SHRI MORESHWAR RAMCHANDRA JOSHI
AND 2 ORS.,

... Respondents

Mr. Sudesh Usgaonkar, Advocate for the applicant.

Mr. Shashikant Narayan Joshi, Advocate for the respondent nos.1 to 3.

Coram:- C. V. BHADANG, J.

Date:- 20th July, 2015

P.C.

By this Revision Application, the applicant/ original defendant is challenging the order dated 29/04/2015 below Exhibit 14 passed by the learned Adhoc Civil Judge, Senior Division, Bicholim in Special Civil Suit No.7/2015/A. By the impugned order, the learned Trial Court has refused to dismiss Special Civil Suit No.7/2015/A, filed by the respondents.

2. The brief facts are that the applicant had filed an application for declaration under Section 7 read with Section 14 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (the Act, for short) before the Mamlatdar of Sattari at Valpoi. During the pendency of the said proceedings, the said Act came to be amended, inter alia, by insertion of Sections 46A and 46B, by which the jurisdiction to entertain such

application, was transferred from Mamlatdar to Senior Civil Judge. Under Section 46B of the Act, all the pending applications/proceedings were to stand transferred to the Court of Senior Civil Judge. It appears that on account of this amendment, the proceedings before the Mamlatdar, have been transferred to the Court of Civil Judge, Junior Division, Valpoi and are registered as Tenancy Suit No.1/2015. Thereafter, the respondents had filed another suit being Special Civil Suit No.7/2015/A before the Senior Civil Judge at Bicholim, for similar reliefs. It was, in these circumstances, claimed by the applicant that the second suit, namely Special Civil Suit No.7/2015 cannot be proceeded as the subject matter is already pending in the Tenancy Suit. That application came to be rejected, on the ground that the parties can take steps for getting both the suits transferred to the same Court.

3. I have heard Shri Usgaonkar, the learned Counsel for the applicant and Shri Joshi, the learned Counsel for the respondents.

4. It is submitted by Shri Joshi, the learned Counsel for the respondents, on instructions, that in the given circumstances, the respondents will not press/ pursue Special Civil Suit No.7/2015 and would withdraw the same, subject to their right to continue the Tenancy Suit No.1/2015. He also submitted that the proceedings before the Mamlatdar (before their transfer) were expedited by this Court, by order dated 19/06/2014 in W.P. no.753/2013. He

submitted that in such circumstances, the proceedings in Tenancy Suit may be expedited. The learned Counsel for the applicant submits that appropriate orders may be passed in the circumstances. In view of the statement that the respondents would withdraw the suit, nothing would survive in the Revision Application.

5. On hearing the learned Counsel for the parties, the following order is passed :

- (i) In view of the submission on behalf of the respondents that they will withdraw Special Civil Suit No.7/2015, Civil Revision Application is disposed of.
- (ii) The respondents are at liberty to seek transfer of the Tenancy suit from the Court at Valpoi to the competent Court. If any such application is filed, the same shall be decided on its own merits.
- (iii) The learned Trial Court shall decide the Tenancy Suit as expeditiously as possible and an endeavour shall be made to decide the same finally, within a period of one year.
- (iv) The parties to cooperate for early disposal of the suit.
- (v) All the rival contentions of the parties are kept open.
- (vi) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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