

IN THE HIGH COURT OF BOMBAY AT GOA

Civil Application no. 255 of 2015

IN

Writ Petition no. 710 of 2012

Shri Subhash Pandurang Satardekar ... Applicant-
Petitioner

Versus

Smt. Parvati Pandurang Madval & 3 Ors. ... Respondents

Mr. Joaquim Godinho, Advocate for the Applicant.

Mr. A. F. Diniz and Mr. Ryan Menezes, Advocates for the Respondent
nos. 1 to 4.

Coram:- K. L. WADANE, J.

Date:- 11th December, 2015

ORDER

Heard Mr. Godinho, learned Counsel appearing for the Applicant
and Mr. Diniz, learned Counsel appearing for the Respondent nos. 1 to 4.

2. The application for the restoration of the eviction proceedings
filed by the Respondents was allowed and the eviction proceedings was
restored back to the file. Pursuant to the said restoration, the Respondents
filed an affidavit in evidence before the Trial Court on 04.09.2015. The Trial
Court has recorded the evidence of the Respondent. After completion of the
examination in chief, Respondents raised objections for the cross

examination of the Petitioner on the ground that the Petitioner is not been allowed by the Rent Controller to deposit the rent and in view of non-deposit of the rent, the Petitioner cannot participate in the proceedings as barred under Section 32 of the Rent Control Act.

3. Looking to the proceedings before the Trial Court, it appears that the learned Advocate Mauzekar has raised the objection as to whether a Petitioner can be permitted for cross examination and to consider the said objection, matter was kept for arguments on the objection. Therefore, ultimately, the Trial Court is going to decide the objections raised in the matter.

4. In such circumstances, I do not think that any relief is required to be granted at this stage. Hence, the Petition is premature and accordingly the Civil Application stands dismissed.

K. L. WADANE, J.

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