

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NOS. 30 OF 2010 & 227 OF 2014

WRIT PETITION NO. 30 OF 2010

Shri Ramdas Gurudas Phadte,
married, major in age,
landlord,
r/o Tisk, Usgao,
Ponda Goa. Petitioner

Versus

1. Shri Shankar Naguesh Naik,
Prop. Of Dattaraj Photo Studio,
Married, major in age,
Tisk, Usgao,
Ponda Goa.
2. Smt. Rahashri Ramdas Phadte,
Housewife, major in age,
r/o Tisk, Usgao,
Ponda Goa. Respondents

WITH

WRIT PETITION NO. 227 OF 2014

Shri Ramdas Gurudas Phadte,
major of age,
S/o Gurudas Phadte,
r/o H.No. , Tisk, Usgao,
Ponda Goa. Petitioner

Versus

1. Shri Shankar Naguesh Naik,
Prop. Of Dattaraj Photo Studio,
Married, Major of age,
Tisk – Usgao,
Ponda Goa.
 2. Smt. Rajashri Ramdas Phadte,
Wife of Ramdas Phadte,
major of age,
R/o Tisk, Usgao,
Ponda Goa.
- Respondents

Mr. A. D. Bhobe, Advocate for the petitioner.

Mr. R. G. Ramani, Advocate for the respondent no.1.

Coram:- F. M. REIS, J.

Date:- 20th December, 2016

ORAL JUDGMENT

Heard Mr. A. D. Bhobe, learned counsel appearing for the petitioner and Mr. R. G. Ramani, learned counsel appearing for the respondent no.1.

2. The challenge in the above petitions is to the orders passed by the Courts below whereby the petitioner has been directed to undergo simple imprisonment in lieu of the contempt committed by the petitioner to an order of temporary injunction operating against the petitioner.

3. During the course of the hearing of the above petitions, the dispute between the parties is with regard to the premises occupied by the respondent which belongs to the petitioner herein. It was pointed out by Mr. Bhobe, learned counsel appearing for the petitioner that in case the respondent surrendered all the rights over the subject premises, the petitioner is agreeable to pay in lieu of such right a specific sum of money. Accordingly, when the matter was taken up today, Mr. Bhobe, learned counsel appearing for the petitioner upon instructions of the petitioner who is present in Court and Mr. R. G. Ramani, learned counsel appearing for the respondent no.1 upon instructions of the respondent no.1 who is also present in Court have pointed out that both the parties have amicably settled their

dispute and have signed consent terms whereby the petitioner has agreed to pay to the respondent a specific sum of money in lieu of their rights to occupy the subject premises. The consent terms signed by the petitioner and the respondent and their respective advocates are accepted and marked 'X' for identification. The parties who are present in Court have accepted the consent terms marked 'X' for identification as well as the terms of undertakings recorded therein. The undertakings by the petitioner and the respondent are accepted. Both the learned counsel accordingly point out that the above petitions be disposed of accordingly and the learned Civil Judge Junior Division, at Ponda, be directed to draw a consent decree in terms of the consent terms marked 'X' for identification and dispose of Regular Civil Suit No.40/2005. The respondent no.2 in both the petitions is the wife of the petitioner and as such her presence is dispensed with in the disposal of the above petitions. Hence, I pass the following :

ORDER

(i) The impugned orders dated 16.12.2009, 22.12.2009, 07.01.2011 & 15.07.2013 are quashed and set aside.

(ii) The consent terms filed by the parties are accepted and marked 'X' for identification.

(iii) The learned Civil Judge Junior Division, Ponda, is directed to dispose of Regular Civil Suit No. 40/2005 in terms of the consent terms marked 'X' for identification.

(iv) Rule is made absolute in the above terms.

(v) The petition stands disposed of accordingly.

F. M. REIS, J.

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