

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 599 OF 2016**

1. Shri Govind Sadashiv Marathe (since deceased)
major of age, residing at Chireval,
Honda, Sattari, Goa.
Through legal heirs,
- 1(a) Smt. Vrunda Govind Marathe, (since deceased)
major of age,
- 1(b) Shri. Sarvesh Govind Marathe,
major of age,
- 1(c) Smt. Varsha Sarvesh Marathe,
major of age,
All residents of House no.207,
Ajoba Nagar, near Baretto garage,
Post – Pratapnagar,
Via Sanquelim, Sattari, Goa.
- 1(d) Mrs. Shubhada Yadneshwar Joshi,
major of age,
- 1(e) Shri. Yadneshwar Balchandra Joshi,
major of age,
both residents of House no.89/1,
Post – Nagargao,
Valpoi, Sattari, Goa.
- 1(f) Mrs. Vaibhavi Vilas Barve,
major of age,
- 1(g) Shri. Vilas Barve,
major of age,

both residents of G-4, Block-C,
Coelho Arcade, Patrong Baina,
Vasco-da-Gama, Goa.

2. Smt. Vrinda Govind Marathe, (since deceased)
major of age, residing at Chireval,
Honda, Sattari, Goa.
3. Smt. Radhabai Hari Joshi, (since deceased)
Through legal heirs at serial no.4 to 11.
4. Shri Madhukar Hari Joshi,
major of age, residing at
Mala, Panaji, Goa.
5. Smt. Manisha Hari Joshi,
major of age, residing at
Mala, Panaji, Goa.
6. Shri. Pandurang Hari Joshi,
major of age, residing at
Mala, Panaji, Goa.
7. Smt. Joalita Pandurang Joshi,
major of age, residing at
Mala, Panaji, Goa.
8. Shri. Ravindra alias Babu Hari Joshi,
major of age, residing at
Mala, Panaji, Goa.
9. Smt. Rashmi Ravindra Joshi,
major of age, residing at
Mala, Panaji, Goa.
10. Shri Vishnu Ramchandra Marathe,
major of age, residing at Honda,

Sattari, Goa.

11. Smt. Vilasini Vishnu Marathe,
major of age, residing at Honda,
Sattari, Goa.
12. Shri. Trimbak Ramkrishna Kelkar, (since deceased)
13. Smt. Sudhabai Trimbak Kelkar,
major of age, residing at near the
Masjid, Bapat Galli, Belgaum,
Karnataka.
14. Shri. Ramkrishna Trimbak Kelkar,
major of age, residing at near the
Masjid, Bapat Galli, Belgaum,
Karnataka.
15. Smt. Ramkrishna Kelkar,
wife of Ramkrishna Trimbak Kelkar,
major of age, residing at near the
Masjid, Bapat Galli, Belgaum,
Karnataka.
16. Shri. Bhalchandra Ramkrishna Kelkar, (since deceased)
17. Smt. Sindhu Balchandra Kelkar,
major of age, residing at Housing
Colony, Alto Porvorim, Goa.
Through Power of Attorney
Mr. Madhav Balchandra Kelkar
Major of age, resident of Valpoi, Goa. Petitioners

Versus

1. Shri. Dattaram Ramchandra Marathe
major of age, residing at Bambar,
Nanode, Nagargaon, Sattari, Goa.

- 1(a) Mrs. Savitri Dattaram Marathe,
major of age,
Wife of Dattaram Marathe
r/o Bamber, Post Office-Nanoda,
Valpoi, Sattari Goa.
- 1(b) Shri. Gajanan Dattaram Marathe,
major of age,
Son of Dattaram Marathe
- 1(c) Mrs. Preeti Gajanan Marathe,
major of age,
wife of Gajanan Marathe
Both r/o Narayan Nagar,
Honda Sattari Goa.
- 1(d) Shri Mohan Dattaram Marathe,
major of age,
Son of Dattaram Marathe,
- 1(e) Mrs. Madhavi Mohan Marathe,
major of age,
wife of Mohan Marathe
Both r/o Kapadshe, Shiroda – Goa.
- 1(f) Shri Vishwas Dattaram Marathe,
major of age,
Son of Dattaram Marathe
- 1(g) Mrs. Veda Vishwas Marathe,
major of age,
wife of Vishwas Marathe
Both r/o. Curti, Ponda Goa.
- 1(h) Shri. Balakrishna Dattaram Marathe,
major of age,
son of Dattaram Marathe,

- 1(i) Mrs. Uttara Balakrishna Marathe,
major of age,
Wife of Balakrishna Marathe,
Both r/o Bamber, Post Office Nanoda,
Valpoi, Sattari Goa.
- 1(j) Shri. Shridhar Krishna Vaze,
major of age,
son-in-law of Dattaram Marathe,
- 1(k) Mrs. Sandhya Shridhar Vaze,
major of age,
daughter of Dattaram Marathe
Both r/o Sindhu Nagar, Curti,
Ponda Goa.
- 1(l) Shri. Digambar Krishnaji Bhave,
major of age,
Son-in-law of Dattaram Marathe.
- 1(m) Mrs. Nimita Digambar Bhave,
major of age,
Daughter of Dattaram Marathe
Both, r/o Warkhande, Haveli,
Curti, Ponda Goa.
- 2. Shri. Purushottam Atmaram Joshi,
major of age, residing at Nagargaon,
Sattari, Goa.
- 3. Shri. Sakharam Naguesh Marathe,
major of age,
r/o B-3, Aara, Nest Housing Society,
Gulmohar road, Chuna Bhatti,
Sion, Mumbai, Maharashtra, India. ... Respondents.

Mr. Joaquim Godinho, Advocate for the petitioners.

Mr. R. G. Ramani, Advocate for the respondent nos. 1(a) to (m).

Coram:- F. M. REIS, J.

Date:- 13th December, 2016

ORAL JUDGMENT :

Heard Mr. J. Godinho, learned counsel appearing for the petitioners and Mr. R. G. Ramani, learned counsel appearing for the respondent nos. 1(a) to (m).

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respondent nos. 1(a) to (m) waives service.

4. The above petition challenges the judgment dated 08.01.2016 passed by the learned District Judge-2, Mapusa, in Tenancy Revision Application No.34/2015 whereby a revision preferred by the petitioners challenging the orders passed by the

learned Mamlatdar and the Dy. Collector came to be dismissed.

5. I have heard the learned counsel appearing for the petitioners and the respondents at length. Though the observations of the learned Revisional Court while passing the impugned judgment are difficult to be accepted considering that there was already an earlier litigation which had conclusively established the ownership claimed by the petitioners, nevertheless, I will not divulge into such findings considering the view I propose to take in disposing of the above Writ Petition with the consent of the learned counsel. It is however to be noted that the judgment passed by this Court has attained finality and even assuming a claim of tenancy is raised the Court cannot ignore the finding on ownership which has attained finality as the Civil Court has jurisdiction to decide such aspect.

6. Be that as it may, it would otherwise be appropriate to direct the Revisional Court to decide the tenancy revision filed by the petitioners afresh but considering that the dispute between

the parties is going on since the year 1973, I find that instead of taking such measures, it would be appropriate to direct the learned Civil Judge Senior Division, Bicholim, to dispose of Tenancy Case No.MAM/SAT/TNC/8/2004 as expeditiously as possible and in any event within six months from the date of the receipt of this order.

7. Mr. Godinho, learned counsel appearing for the petitioners has raised a grievance that the respondents are changing the status quo at the site and even putting up a construction therein.

8. Mr. Ramani, learned counsel appearing for the respondents upon instructions states that no constructions are being carried out by the respondents and in case any new construction is put up, the respondents shall not occupy such premises. Accepting the said statement, I find that the apprehension of the petitioners would no longer survive. The petition stands accordingly disposed of by accepting the said

statement of Mr. Ramani, the learned counsel appearing for the respondents and directing the learned Civil Judge Senior Division, Bicholim, to dispose of the Tenancy Case No.MAM/SAT/TNC/8/2004 as expeditiously as possible and in any event within six months from the date of the receipt of the order of this Court. Rule stands disposed of accordingly.

F. M. REIS, J.

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