

**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 911 OF 2016

APOLONIO LUIS.,

... Petitioner

Versus

CHANDRAVATI TUKARAM NAIK @  
KAVLEKAR AND ANR.,

... Respondents

Shri Chirag Ramniklal Shah, Advocate for the petitioner.

Coram:- F. M. REIS, J.

Date:- 29th November, 2016

P.C.

Heard Shri C. Shah, learned Advocate appearing for the petitioner.

2. The challenge in the above petition is to the dismissal of the application filed by the petitioner to dismiss the application filed by the respondent for declaration as a tenants at the threshold without holding any inquiry.

3. The learned Judge while passing the impugned order dated 22.6.2016 has come to the conclusion that there is no provisions to file such application at such stage. The learned Judge also noted that the application filed by the respondents would have to be decided after holding an inquiry in terms of the provisions of law. The learned Judge also examined the contentions raised by the petitioner to hold that they have no substance at this stage. The learned Counsel appearing for the petitioner was unable to point out any specific

provisions which entitles the petitioner to file such an application at the threshold. The learned Trial Judge also noted that the claim of the respondent would have to be examined on its own merits after appreciation of the evidence on record.

4. In the facts and circumstances of the case, I find that the learned Judge has not committed any error while passing the impugned order which would call for interference of this Court under Article 227 of the Constitution of India and, as such, petition stands disposed off accordingly.

F. M. REIS, J.

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