

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 59 OF 2016

SMT.MAGDALENA FERNANDES (SINCE
DECEASED) AND 2 ORS.,

... Petitioners

Versus

MRS.ANGELINA FERNANDES AND 12
ORS.,

... Respondents

Mr. Sebastian Vales, Advocate for the petitioners.

Mr. Nigel Da Costa Frias, Advocate for the respondent nos. 1 to 4.

Coram:- F. M. REIS, J.

Date:- 18th November, 2016

ORAL ORDER :

Heard Mr. S. Vales, learned counsel appearing for the petitioners and Mr. Nigel Da Costa Frias, learned counsel appearing for the respondent nos. 1 to 4.

2. During the course of the hearing of the above petition, Mr. Vales, learned counsel appearing for the petitioners has brought to my notice an order dated 20.06.2016 passed by this Court in Writ Petition No.69 of 2016 whereby a similar order under Section 32(4) of the Rent Control Act came to be challenged wherein this Court has refused to entertain the petition but however, directed the expeditious disposal of the appeal preferred by the respondents therein.

3. Mr. Vales, learned counsel further submits that similar order

may be passed in the present petition. Mr. Nigel Da Costa Frias, learned counsel appearing for the respondent nos. 1 to 4 however points out that the appeal preferred by the respondents is pending before the Appellate Authority which would have to be considered on its own merits in accordance with law.

4. Considering the rival contentions and taking note of the said order passed by this Court, I find that the petition can be conveniently disposed off by directing the Appellate Court to decide the appeal preferred by the respondents being Rent Appeal No.14/2013 on its own merits as expeditiously as possible within a period of six months from the receipt of this order. All contentions of both the parties on merits are left open. The petition stands disposed of accordingly.

5. At this stage, Mr. Nigel Da Costa Frias, learned counsel submits that the respondents had filed an application to permit them to deposit the rent in this Court. In view of the disposal of Writ Petition, liberty to the respondents to move such an application before the Appellate Court in accordance with law.

F. M. REIS, J.

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