

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 124 OF 2017

IN

WRIT PETITION NO. 179 OF 2012

MR. NOORALLAH VELJEE.,

... Applicant

Versus

MRS. VERONICA GONSALVES E
MENEZES.,

... Respondent

Adv. Kaif Noorani for the Applicant.
Mr. S. Karpe, Advocate for the Respondent.

Coram:- M. S. SONAK, J.

Date:- 19th April, 2017

P.C.:

In terms of the order dated 30/3/2012, the applicant/petitioner was granted interim relief staying the execution of the eviction order against him subject to the applicant depositing all the arrears of rents due in this Court within a period of two weeks. There was also a direction for deposit of rent in future by the petitioner after every three months until the disposal of the petition.

2. The applicant has substantially complied with the condition with regard to payment of arrears by direct payment of the arrears to the respondent/landlord. However, there is a default in so far as the deposit of future rents is concerned.

3. Mr. Noorani submits that the order dated 30/3/2012 was not brought to the notice of the petitioner and therefore, the amounts could not be deposited. Mr. Karpe, the learned counsel for the respondent points out that the respondent was very much present in the Court and in any case, it was inconvincible that the petitioner claims knowledge of one part of the order but disclaims knowledge of the other part.

4. After the matter was heard for some time the parties agree that the rent amounts along with interest may be deposited in this Court without prejudice to the rights and contentions of both the parties.

5. In the civil application, the applicant has expressed willingness to pay some costs. Mr. Karpe, the learned counsel graciously submits that such costs may be made over to the Goa State Legal Services Authority.

6. Mr. Karpe clarifies that such leave may not be construed in condonation of the default. It is already clarified that all contentions of the parties are left open including the contention of default to be considered at the time of final disposal of the petition.

7. The misc. civil application no.124/2017 and the application taken out by the respondents for vacation of interim relief are disposed of with the following order:-

(a) The petitioner is permitted to deposit the arrears of rent together with interest at the rate 10% p.a. in this Court within a period of four weeks from today. The aforesaid deposit shall be without prejudice to the rights and contentions of both the parties to be urged at the stage of final disposal of the petition.

(b) In addition to the aforesaid, the petitioner to pay costs of Rs.25,000/- (Rupees twenty five thousand only) in favour of Goa State Legal Services Authority within four weeks from today.

(c) The writ petition no.179/2012 is posted for final hearing in the week commencing from 12th June 2017.

(d) Mr. Karpe states that the respondent is almost 80 years of age. Liberty to apply for fixed date of hearing.

(e) The civil applications stand disposed of in the aforesaid terms.

M. S. SONAK, J.

ap/-