

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 930 OF 2016

MRS. SHEETAL CHANDRAKANT
KOCHREKAR, REP. BY CONST. ATT. MR.
CHANDRAKANT NAMDEV KOCHREKAR., ... Petitioner
Versus
MR. MICHAEL DAMIAO CLEMENT
FERNANDES., ... Respondent

Mr. Ashwin D. Bhobe, Advocate for the Petitioner.
Mr. John Abreu Lobo, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 8th February, 2017

P.C:

The learned Counsel for the petitioner has filed precipe signed by the Power of Attorney holder of the petitioner on record, which is marked 'X' for identification. The Power of Attorney is present before the Court, who admits the contents.

2. The petitioner without prejudice to her rights and contentions is agreeable to deposit Rs.30,000/- per month before the Trial Court and shall continue to deposit the same as and when it is due. The petitioner has deposited 50% of the arrears amounting to Rs.7,20,000/- before this Court. The learned Counsel for the petitioner states that the petitioner shall deposit the balance amount before the Trial Court, within a period of eight weeks and shall continue to deposit the monthly rent of Rs.30,000/-, before the Trial Court. The statement is accepted.

3. The learned Counsel for the petitioner submits that in view of the statement, the impugned order may be set aside.

4. The learned Counsel for the respondent has no objection for the same.

5. In such circumstances, the following order is passed, by consent of parties:

(a) The impugned order is hereby set aside, subject to the petitioner depositing the balance amount of arrears, calculated upto 28.02.2017, before the Trial Court, within a period of eight weeks from today.

(b) The petitioner shall continue to deposit an amount of Rs.30,000/- before the Trial Court from March 2017, on or before 10th of each English Calendar month.

(c) The amount of Rs.7,20,000/- deposited before this Court shall be transferred to the Trial Court alongwith interest, if any.

(d) This shall be without prejudice to the rival contentions of the parties, as to whether the amount represents rent or license fees.

(e) The respondent shall be at liberty to apply for withdrawal of the amount, before the Trial Court. If such an application is filed, the Trial Court shall decide the same on its own merits and in accordance with law.

(f) The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

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