

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 385 OF 2019

IN

APPEAL FROM ORDER NO. 48 OF 2016

CLYDE FERNANDES., ... Applicant

Versus

JOANA SOUZA AND 4 ORS., ... Respondents

Mr. Anthony Joe D'Silva, Advocate for the Applicant.

Mr. Ravi Gawas, Advocate for Respondent No. 1.

Mr. Tukaram Gawas, Advocate for Respondent Nos. 2, 3, 4 & 5.

Coram:- C. V. BHADANG, J.

Date:- 2nd July 2019

P.C.

The learned Counsel for the applicant, on instructions from the applicant, who is personally present before the Court, states that the applicant has handed over the key of the suit premises to the learned Counsel for the respondent no. 1 today, for which, the learned Counsel for the respondent nos. 2 to 5 has no objection. The learned Counsel for the respondent no. 1 acknowledges the receipt of the key.

2. The learned Counsel for the applicant submits that the applicant has removed his belongings from the suit premises and the applicant has handed over the vacant possession of the suit premises to the respondents.

3. The learned Counsel for the parties thus submit that as the possession of the suit premises has been handed over to the respondents, the order dated 12.09.2017, directing the applicant to deposit 50% of the rent, may be recalled.

4. In such circumstances, by consent of parties, the Civil Application is allowed. The order dated 12.09.2017, is hereby recalled. This shall however be subject to the right of the respondent no. 1 to take recourse to appropriate remedy, if any, for recovery of the rent, if so advised.

C. V. BHADANG, J.

EV