

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.1025 OF 2018

Chowgule & Company Pvt. Ltd.,
Through its Constituted Attorney,
Udhir Y. Wakhale.

... Petitioner

V e r s u s

Pramod S. Shet Narvekar & 11 Ors.

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. P. Lotlikar and Mr.
C. Padgaonkar, Advocates for the Petitioner.

Mr. G.Panandikar, Advocate for the Respondent nos.1 to 9.

Mr. Arun Talaulikar, Additional Government Advocate for the
Respondent nos.10 to 12.

Coram :- C. V. BHADANG, J.
Date : 3rd July 2019

ORAL ORDER

1. This petition challenges the order dated 24.09.2015
passed by the learned Mamlatdar which is to the following
effect :

“Called out today Learned Advocate V. Sardesai
present for opponent. Applicant present Both
parties advanced their arguments. The applicants
are claiming rent from the respondent company by
virtue of agreement. The learned Advocate for
opponent submitted that this Court do not have
jurisdiction to award any order in respect of rent.

It is a contractual agreement and hence the applicant should approach the competent civil court

The applicants submitted that the agreement which has been drawn between them and opponent is still operative.

In view of above this court direct the opponent adhere the contractual obligations arrived between the applicants and the opponent.

In view of the above matter stands disposed. Pronounced."

2. The said order has been confirmed by the learned Collector in Revision by judgment and order dated 07.02.2018.

3. On hearing the learned Counsel for the parties and on perusal of record, it appears that the Mamlatdar has merely directed the petitioner (the opponent before the Mamlatdar) to adhere to the contractual obligations. The learned Counsel for the respondents in all fairness states that the impugned order passed by the Mamlatdar in fact does not even enure to the benefit of the respondents. He, therefore, submits that this Court may pass appropriate order keeping the rival contentions of the parties open in the pending Special Civil Suit Nos. 6/2016/A and 27/2016/A.

4. In such circumstances, the petition is allowed. The impugned orders are hereby set aside.

5. Needless to mention, the rival contentions of the parties on merits, in the two aforesaid Civil Suits are left open.

6. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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