

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 18 OF 2019

SHEETAL CHANDRAKANT KOCHREKAR,
REP. BY CONST. ATTORNEY,
CHANDRAKANT NAMDEV KOCHREKAR., ... Petitioner

Versus

MICHAEL DAMIAO CLEMENT FERNANDES., ... Respondent

Mr. B. Thali, Advocate for the Petitioner.
Mr. John A. Lobo, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 20th March 2019

P.C.

By this petition, the petitioner is taking exception to the order dated 04.09.2018 passed by the learned Trial Court thereby directing the petitioner to deposit an amount of Rs.7,98,000/-, being arrears of rent.

2. The only contention raised on behalf of the petitioner, is that at the time of disposal of Writ Petition No.930/2016 on 08.02.2017, the parties had agreed that Rs.7,20,000/- represents 50% arrears of the rent and the petitioner having deposited Rs.7,20,000/-, as agreed in the order dated 08.02.2017, it was not permissible for the respondent to claim the further sum of Rs.7,98,000/-.

3. The contention, in my considered view, cannot be accepted. All that this Court had recorded while disposing off Writ Petition No.930/2016 on 08.02.2017 is a statement on behalf of the petitioner, that the petitioner shall deposit the balance amount of arrears within a period of eight weeks and shall continue to deposit the monthly rent of Rs.30,000/- before the Trial Court. The petitioner has produced a computation of the arrears at page 20 of the compilation which the Trial Court records, has not been disputed by the petitioner. The learned Counsel for the petitioner on a specific query states that the computation is not disputed. The only contention raised is that the arrears from October 2010 to October 2012 were tendered which were not accepted by the respondent. Even assuming so, the fact remains that the amount of arrears for the said period of two years has not reached the respondent. Thus, the computation at page 20 of the compilation can be safely said to be not disputed. Thus, I do not find that the impugned Order suffers from any infirmity so as to require interference.

4. The petition is without any merit and is accordingly dismissed without any order as to costs.

5. At this stage, the learned Counsel for the petitioner submits that the petitioner may be granted time to deposit the amount.

6. On hearing the learned Counsel for the parties, the petitioner is granted eight weeks time to deposit the amount.

C. V. BHADANG, J.

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