

IN THE HIGH COURT OF BOMBAY AT GOA.
MISC. CIVIL APPLICATION NO.1001 OF 2019.
IN
WRIT PETITION NO. 1207 OF 2018.

Piedade Luis @ Piety Luis

... Petitioner.

Versus

OSWALD ANTAO AND 15 ORS.,

... Respondents.

Shri Shirin V. Naik, Advocate for the petitioner.

Shri Yemane D'souza, Advocate for the respondent no.1.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 11th March 2020

P.C.

This Writ Petition concerns eviction proceedings. While admitting the Writ Petition, this Court directed the petitioner-tenant to deposit the rent regularly with the Registry of this Court. Initially, he deposited the rent up to November 2019. Later, as the petitioner's counsel projects, because of his illness the petitioner could not deposit the rent for December 2019 on time. Added to this was the intervening Christmas holidays. Soon after the Court reopened, the petitioner deposited the rent for the entire year. He did that on 3.1.2020, and the rent was for one year: from January 2020 to December 2020.

2. But the Registry refused to accept the rent for December 2019 because that was beyond the date this Court fixed, 7th of the month.

Therefore, now the petitioner has applied to this Court to condone the petitioner's lapse and to accept the rent for December 2019.

3. On the other hand, the respondent's counsel insists that the petitioner has been a persistent defaulter. He has referred to the merits of matter, too.

3. At this juncture, I do not desire to enter into the merits of the case. The petitioner has already proved his *bona fides* by depositing the rent for the entire year. So a simple lapse of paying his rent for December should not prove fatal for his case. Besides, he has given reasons as well. Therefore, the Registry will accept the rent from the petitioner for December 2019.

Thus, the Court allows the application. Post the matter in usual course.

DAMA SESHADRI NAIDU, J.

vn