

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1639 OF 2021

Dattaram Chopdekar (Dec) Thr. His LRs ...Petitioners

Versus

Sharayu Amonkar (Dec) Thr. Her LRs. ...Respondents

Mr. M. B. D' Costa, Senior Advocate *with* **Ms. Karishma Betquecar, Advocate** *for the Petitioners.*

CORAM: M. S. SONAK, J

DATED: 12th August, 2021

PC:-

1. Heard Mr. M. B. D'Costa, learned Senior Advocate for the Petitioner.
2. Leave is granted to place on record additional documents which form a part of the documents before the Rent Controller. The necessary additions to be made within one week and complete paper book to be served on the Respondents.
3. Issue notice to the Respondents, returnable on 09.09.2021.
4. In addition to the usual mode of service, private service is permitted. The Petitioners will have to file affidavit of service.
5. Till the next date, there shall be ad-interim relief in terms of prayer clause (ii) which reads as follows :

“(ii) pending the hearing and final disposal of the petition to grant stay of the impugned judgments and orders of the District Court

dated 31st May 2021 in Rent Appeal No. 02/2019 and of the learned Civil Judge Junior Division 'C' Court Panaji in Rent Case No.59/2013/C dated 05.02.2019.”

6. The aforesaid ad-interim relief is subject to the condition that the Petitioners will not create any third party rights in the suit premises and further, will deposit in this Court, on or before the 8th of September, 2021, compensation at the rate of ₹ 10,000/- per month commencing from 31.05.2021 i.e. the date of the appeal Court Order.

7. The aforesaid determination of compensation is tentative. Therefore, if the Petition is ultimately to be admitted and ad-interim relief is to be confirmed, the parties, will have opportunity of placing on record appropriate material for determination of the compensation amount. Such compensation is required to be deposited in this Court having regard to the law laid down by the Hon'ble Supreme Court in the case of **Atmaram Properties vs. Federal Motors**¹.

8. If no steps are taken to serve the Respondents expeditiously and further, there is any default in the deposit of the aforesaid compensation amount on or before 08.09.2021, the ad-interim relief granted today to stand vacated without any further reference to this Court.

M. S. SONAK, J.

¹ (2005) 1 SCC 705