

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.440/2019

PRAKASH DYAWANNAWAR,
s/o late Siddilingappa
Dyawannawar, 35 years of age,
r/o House No.96(1), Gopal Naik
Chawl, Sasmollem-Baina, Vasco-
Da-Gama.

... PETITIONER

Versus

1. Tulsidas G. Naik, s/o Mr.
Gopal Naik, major of age, r/o
H.No.289/G, Krishna Kunj,
Chicalim, Goa.

2. Mahantesh Maharajanavar,
r/o. House No.96(1), Gopal Naik
Chawl, Sasmollem-Baina, Vasco-
Da-Gama. (deleted since expired)

... RESPONDENTS

Mr. Vibhav Amonkar, Advocate U/LAS for the Petitioner.

Mr. Gaurish Agni with Mr K. Kavlekar, Advocates for the Respondents.

CORAM: M. S. SONAK, J.

DATED: 16th February 2023

ORAL ORDER:

1. Heard Mr Vibhav Amonkar for the petitioner and Mr Gaurish Agni for the respondents. The petitioner Mr Prakash Dyawannawar is also present in person.

2. This petition challenges concurrent orders made by the Trial Court and First Appellate Court ordering eviction of the petitioner from the suit premises.

3. On 09.02.2023, this Court had made the following order:

“1. Mr. Amonkar, learned Counsel appointed under the Legal Aid Scheme, on instructions, states that the petitioner is in occupation of the suit premises. Mr. Agni, the learned Counsel for the landlord disputes this position. He states that the premises are not occupied by anyone and further they are in a dilapidated condition.

2. Accordingly, both the petitioner as well as the respondents – landlord are granted liberty to file an affidavit along with photographs.

3. Such affidavits to be filed within one week from today.

4. Stand over to 16.02.2023, at the request of the learned Counsel for the parties.

5. To be taken up along with Writ Petition No.1082 of 2016.”

4. Today, Mr Amonkar, the learned counsel appointed to appear on behalf of the petitioner under the Legal Aid Scheme and the petitioner, who is present in the Court, stated that the petitioner will hand over vacant possession of the suit premises to the respondents within three months from today without seeking any extension of time. Mr Prakash Dyawannawar, who is present in the Court states that he has consciously taken this decision after understanding the full scope and import. He states that such decision is taken because the premises are in a dilapidated condition. Accordingly, the petitioner's statement is accepted.

5. Based on the above statement, this Writ Petition is disposed of. Mr Gaurish Agni, on instructions states that for three months no steps will be taken to execute the impugned decrees. In any case, since the petitioner has agreed to hand over the vacant and peaceful possession of the suit premises within three months, it is only appropriate that this petition is disposed of. Mr Agni has also fairly stated that any claim of arrears will also not be executed.

6. Accordingly, this petition is disposed of without any order for costs.

7. This Court thanks Mr Amonkar who appeared on behalf of the petitioner under the Legal Aid Scheme and also Mr Gaurish Agni for his fair approach in the matter. The Legal Services Authority to ensure that Mr Amonkar's fees in terms of the rules are settled promptly. This is in addition to the gratitude expressed.

M. S. SONAK, J.

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