



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.709 OF 2023

JOSE REMEDIOUS LOBO @ REMEDIOUS
JOSE LOBO (SINCE DECEASED THR
LRS)

... PETITIONERS

Versus

THE COMUNIDADE OF VERA THR.
ATTORNEY AND ANR

... RESPONDENTS

Mr. A.D. Bhobe with Ms. S. Shaikh, Advocates for the Petitioners.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 7th August, 2024

P.C.:

1. Heard Mr. A.D. Bhobe, learned Counsel for the Petitioners.
2. The challenge in the present petition is to the order dated 31/03/2016 whereby the District Court in a tenancy appeal filed by the Respondent allowed such appeal and quashed and set aside the order passed by the Mamlatdar dated 19/08/2011.
3. The explanation for inordinate delay in filing the present proceedings is found in paragraph 11 of the petition.
4. Mr. Bhobe submits that there was another tenancy appeal which

was remanded to the Magistrate and accordingly the Petitioners were confused as to what stand to be taken with regard to the impugned order. He submits that the Petitioners were not able to understand the consequences of the impugned order specifically when the connected matter was remanded.

5. The tenancy appeal was filed by the Respondent in the year 2015 wherein the impugned order was passed on 31/03/2016 and that too in the presence of the present Petitioners who were represented by an Advocate. The impugned order clearly goes to show that the appeal was allowed and the order passed by Mamlatdar in the year 2011 was quashed and set aside. Thus the impugned order is clear and there is no question of confusion. The confusion that there was another proceeding which was remanded, was filed by one Pascoal Lobo. The explanation in paragraph No.11 for approaching this Court after a period of around 8 years, is not satisfactory. Accordingly, the petition cannot be entertained only on the grounds of delay and laches on the part of the Petitioner.

6. Accordingly, the petition stands dismissed. No costs.

BHARAT P. DESHPANDE, J.