



vinita

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.599 OF 2024

CESAR MENEZES

... PETITIONER

Versus

**M/S. SPACE DEAL PVT. LTD., AND
ANR**

... RESPONDENTS

Mr Rohit Bras Desa, Advocate for the petitioner.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 12th September, 2024

P.C.

Heard Mr Desa, learned counsel for the petitioner.

2. The grievance of the petitioner is that learned trial Court inspite of repeated requests, failed to pass an order on the application for the breach of the order passed by it under Order XVA of CPC.

3. Mr Desa submits that petitioner is owner of a commercial premises which is enjoyed by defendants/respondents without making payment of rent. He submits that suit is filed for eviction wherein an application is filed under Order XVA of CPC claiming that defendants/ tenants be directed to deposit rent which is in arrears as well as rent which is due till disposal of the proceedings. He submits that accordingly, learned trial Court passed an order dated 1.10.2022 thereby directing the defendants to pay licence fees together with TDS certificate from 9.7.2018. He submits that defendants thereafter failed to appear and even failed to deposit such arrears of rent. Accordingly,

the petitioner filed an application for striking off defence in view of the default. He submits that such an application is kept pending for more than one year and suddenly now the defendants appeared and filed an application for setting aside ex parte order.

3. Mr Desa submits that neither amount is deposited nor any order is passed by the trial Court on an application for striking out of the defence.

4. Issue notice to the respondents returnable on 27.9.2024. Apart from regular service, service by all other modes is permitted.

BHARAT P. DESHPANDE, J.