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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.499 OF 2023

PANDURANG RAYU NAIK (SINCE
DECEASED) THR. LRS AND ANR

... PETITIONERS

Versus

CHANDRAKANT GHANEKAR AND 5 ORS

... RESPONDENTS

Mr. J.E. Coelho Pereira, Senior Advocate (through V.C.) with Mr. B. Fernandes and Mr. Vinod Korgaonkar, Advocates for the Petitioners.

CORAM:- VALMIKI MENEZES, J.

DATED :- 1st October, 2025

P.C.:

1. This petition takes exception to a Judgment dated 13.10.2022 passed by the Principal District Judge, North Goa in Tenancy Appeal No.46/2016, confirming Judgment and Order dated 11.12.2015 passed by the learned Civil Judge Junior Division, 'C' Court, Ponda in Tenancy Case No. 2/2015/C (New) - MAM/TNC/13/91 (old). The Trial Court had, in proceedings under Section 7 of the Tenancy Act, granted a negative declaration i.e. declared that the Petitioner herein did not have tenancy rights under the Goa, Daman and Diu Agricultural Tenancy Act in relation to land under Survey Nos. 18/0 and 19/0 of Village Codar, Ponda Taluka.

2. On considering the evidence, the Civil Court, acting as the

authority under the Agricultural Tenancy Act, has given specific findings that the Petitioner, who has claimed to be an agricultural tenant of the aforementioned two parcels of land, has failed to prove his right. There are specific findings, based upon the evidence led by the original Applicants (the landlord) and on the basis of the evidence led by PW1 for the Petitioner that the Petitioners had not proved possession for the suit lands, nor had they proved the incidence of lease from the landlord. The Trial Court has considered that PW1 had admitted that the lease deed was never executed in his presence and his entire evidence was hearsay in nature. Apart from this evidence, the Trial Court has also considered, on the basis of evidence of other witnesses, that the Petitioner has not been able to prove their claim of cultivation of cashew trees, coconut trees or the cultivation of paddy in the area consisting of morod paddy field under Survey No.18/0 on part of Survey No.19/0.

3. On considering this, on record of the aforementioned evidence, the findings given by the Trial Court cannot be termed to be perverse or contrary to the record. The findings have been confirmed by the Appellate Court i.e. the District Court, on reappreciation of the entire evidence.. No infirmity can therefore be found with the findings of the Trial Court and the Appellate Court, which are concurrent in nature.

4. For the aforementioned reasons, there is no case made out to interfere with the impugned orders of both the Courts i.e. the Trial

Court and the Appellate Court, in the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

5. Petition is rejected in limine. No costs.

VALMIKI MENEZES, J.