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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPL. NO. 647 OF 2026
IN
FIRST APPEAL NO. 24 OF 2023

COMMUNIDADE OF CORTALIM THR. ITS ATTORNEY ROYSON EDWIN DA COSTA	**… Applicant**
Versus	
CONCEICAO FERNANDES AND 3 ORS.	**…Respondents**

WITH
MISC. CIVIL APPL. NO. 673 OF 2026
IN
FIRST APPEAL NO. 24 OF2023

CONCEICAO FERNANDES	**… Applicant**
Versus	
COMMUNIDADE OF CORTALIM AND 3 ORS.	**…Respondents**

Mr. Vivek Rodrigues (through V.C.) with Ms. Lioba Carvalho, Advocates for the Applicant in MCA No. 647/2026 and for the Respondent No.1 in MCA No. 673/2026.

Mr. C. A. Coutinho, Senior Advocate with Mr. Ivan Santimano, Advocate for the Respondent No. 1 in MCA No. 647/2026 and for the Applicant in MCA No. 673/2026.

Mr. Geetesh Shetye, Additional Government Advocate for the State.

CORAM : VALMIKI MENEZES, J.
DATED : 16TH OCTOBER, 2026

P.C.:

1. Registry to waive office objections in Misc. Civil Application No. 2885/2026(F) and register the matter.

2. This is a common order disposing of Misc. Civil Application No. 647/2026 filed by the original Respondent No.1 in First Appeal No. 24/2023 and Misc. Civil Application No. 673/2026 filed by the original Appellant for extension of time to deposit the arrears of rent.

3. This Court, by its order of 14.08.2026 had directed the Appellant, who is facing eviction Decree, which was passed by the Civil Court, to deposit the entire arrears of rent from the year 2012 till the filing of this First Appeal and thereafter from month to month at a higher rate than the original rent agreed between the parties. The order was to be complied with within two weeks. That period ended on 28.08.2026.

4. The main reason cited by the Applicant in Misc. Civil Application No. 673/2026 for seeking extension of time to comply with this Court's order dated 14.08.2026, is that the

husband of the Appellant No.1/Gregorio Fernandes was admitted to the hospital on 01.08.2026 and underwent a heart bypass surgery on 12.08.2026, two days before passing of the order by this Court. According to the Appellant, she was unable to comply with the orders of this Court since her husband was recovering from heart bypass surgery, and an application also came to be filed on 15.10.2026 for extension. The application is supported by medical papers of the husband of the Appellant.

5. In the Respondent's application seeking vacation of the order of this Court dated 14.08.2026, granting the stay on the eviction Decree of deposit, it is not disputed that the husband of the Appellant actually underwent heart bypass surgery, nor are the dates on which he underwent surgery and was hospitalised seriously disputed; what is disputed is the indulgence sought by the Appellant in seeking deposit of the arrears of rent in tranches, commencing from today and ending somewhere in January, 2027.

6. After considering the reasons cited by the Appellant in the application, I am of the opinion that a case has been made out for extension of time to deposit the entire arrears of rent and to comply with the order of 14.08.2026 by extending the time period for deposit in a reasonable manner. However, considering the fact that the application has only come before this Court on 15.10.2020, when the period of compliance

expired on 28.08.2026, cannot justify the extension for the period until January, 2027.

7. Considering all these facts, I partly allow the application of the original Appellant, i.e. Misc. Civil Application No. 673/2026 to the extent that the time to deposit the arrears of rent in terms of the order dated 14.08.2026 shall now stand extended until 04.11.2026. It is made clear that if the Appellants do not deposit the entire arrears in terms of the order of 14.08.2026 by the extended period, i.e. by 04.11.2026, they shall hand over the vacant possession of the suit premises to the Respondents.

8. Miscellaneous Civil Application No. 647/2026 and Miscellaneous Civil Application No. 673/2026 stand disposed of in the above terms.

9. At this stage, a request is made by the Respondent/Communidade of Cortalim that instead of the Appellant depositing the amount tendered today, i.e., Rs. 2,00,000/- (Rupees Two Lakhs only) before the Registry of this Court, the amount may be directly transferred to the account of the Communidade of Cortalim, details of which are stated below:

NAME OF THE ACCOUNT HOLDER	COMMUNIDADE OF CORTALIM
BANK NAME	BANK OF INDIA
BRANCH	SANCOALE
ACCOUNT NO.	101610100000478
IFSC CODE:	BKID0001016

10. The Appellants have no objection to transferring this amount and transferring the further amounts to be deposited under this order to the aforementioned account of the Communidade of Cortalim.

VALMIKI MENEZES, J.