

***IN THE HIGH COURT OF BOMBAY AT GOA***

**LD-VC-OCW-49-2020**

Mr. Pedro C. Lobo

**.... Appellant**

*Versus*

Mr. Feliciano Edgardo Couto

**.... Respondent.**

Shri C. Padgaonkar, Advocate for the Appellant.

**Coram : NUTAN D. SARDESSAI, J.**

**Date : 3<sup>rd</sup> July, 2020**

P.C.:

Heard Shri C. Padgaonkar, learned Advocate for the appellant.

2. Admit on the following substantial questions of law:
  - a) Whether the Ld. Appellate Court while decreeing the suit of the plaintiff failed to consider that the suit house admittedly was a tenanted property under the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 and therefore the same was not maintainable?
  - b) Whether the Ld. Appellate Court fell in patent error of law while examining the Written Statement of the Defendant while observing

that the Defendants had admitted that the old structure had come down on its own due to vagaries of nature.

- c) Whether the Ld. Appellate Court fell in patent error of law while granting Rs.50,000/- to the Plaintiff in damages when the observations made in the judgment are that the Plaintiff is not entitled to damages?

**Nutan D. Sardesai, J.**

msr.