

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 169 OF 2020

Dr. Thomas Paul D' Souza,

..... Petitioner

*V e r s u s*

Mr. Suraj K. Gad & Ors.

..... Respondents

Mr. A. D. Bhohe and Ms. A. Fernandes, Advocates for the Petitioner.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 7<sup>th</sup> September, 2020

P.C.

1. Mr. A. D. Bhohe, learned Counsel, appearing for the petitioner, points out that service has already been effected upon the respondents. The prayer in this petition is to expedite the proceedings in Rent Case No.5/2019/D pending on the file of Civil Judge, Junior Division 'D' Court, Mapusa. Mr. Bhohe, learned Counsel, pointed out that there is already an order dated 05.12.2019 in Writ Petition No, 970 of 2019 made by the Single Judge of this Court, directing the Rent Controller i.e. Civil Court to

dispose off not only the petitioner's but also the respondent's pending application as expeditiously as possible.

2. The order dated 05.12.2019 reads as follows :

“ *P.C.*

*The petitioner is a landlord, and the respondents are the tenants. The petitioner-landlord applied to the Rent Controller under Section 30 of Goa, Daman and Diu Building (Lease, Rent and Eviction) Control Act, 1968, seeking the authority's leave to reconstruct the tenanted building.*

*2. On the other hand, the respondents-tenants have invoked Section 33(3) of the same Act. They seek Rent Controller's leave for repairing the building by themselves. Both the applications are pending, for the suit was filed very recently—in October 2019.*

*3. The landlord has filed this Writ Petition under Article 227 of the Constitution of India for a direction to the Rent controller to dispose of his application at the earliest.*

*4. Indeed, in response to the submissions made by the petitioner's counsel, the respondents' counsel has objected to this Court's directing the Rent Controller to dispose of the*

*matter early. According to the tenants' counsel, the landlord applied to the Rent Controller just last month.*

*At any rate, since the rival applications are pending before the Rent Controller, the Authority will consider them, if possible, expeditiously, subject to the docket pressure the Rent Controller may have been facing.*

*5. The Writ Petition stands disposed of.”*

3. It is possible that on account of the present pandemic situation, expeditious disposal may not have been possible. However, we are quite sure that once the situation improves, the learned Reference Court/Civil Court, will take cognizance of the aforesaid order dated 05.12.2019 and act accordingly.

4. With the aforesaid observations, this petition is disposed off.

5. All concerned to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR

M. S. SONAK, J.

arp/\*