

Suchitra

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

**MISC. CIVIL APPLICATION NO.377/2018  
IN  
WRIT PETITION NO.799/2016**

GURUDAS YESHWANT PEDNEKAR  
(DEC) THR. HIS LRS. ...APPLICANTS

***Versus***

SHARADA ALIAS RADHABAI  
MANGUESH KENKRE AND 12 ORS. ... RESPONDENTS

Mr S. D. Lotlikar, Senior Advocate with Mr T. Sequeira,  
Advocate for the Applicants.

Mr S. G. Desai, Senior Advocate with Mr L. Pednekar, Advocate  
for the Respondents.

**CORAM:** M. S. SONAK,J.

**DATED:** 28<sup>th</sup> MARCH 2024

**P.C.:**

1. By Judgment and Order dated 08.03.2018, the Co-ordinate Bench comprising Nutan D. Sardessai, J., allowed the Writ Petition No.799/2016 and set aside the orders of the Rent Controller and the Appellate Authority declining to evict the respondent-tenant.

2. This application has been filed by the petitioner to seek incorporation of a direction to the respondent-tenant to hand

over vacant possession of the suit premises to the petitioner within some time-bound period.

**3.** This application was pending because in the meantime, the respondent-tenant had instituted Petition for Special Leave No.8365/2018 before the Hon'ble Supreme Court and this Court's order had been stayed.

**4.** Mr S. D. Lotlikar has placed on record the order dated 29.01.2024 by which the Hon'ble Supreme Court has now dismissed the above SLP and the pending applications if any made therein.

**5.** Mr S. G. Desai, learned counsel for the respondent-tenant submitted that the respondent-tenant has now instituted a review petition bearing Diary No.8903/2024 filed on 24.02.2024 before the Hon'ble Supreme Court. He submits that in any case, now that this Court, by its Judgment and Order dated 08.03.2021, has set aside the orders made by the Rent Controller and the Appellate Authority, it will be for the petitioner-landlord to apply for execution and to secure vacant posses. He submitted that no clarification or any addition is necessary.

**6.** Now that this court has set aside the orders of the Rent Controller and the Appellate Authority declining the petitioner relief of restoration of possession, it goes without saying that such relief now stands granted to the petitioner. As was rightly pointed out by Mr Desai, there is no necessity for any clarification because the position in law in this regard is quite clear. Accordingly, it is

for the petitioner to file execution if so advised, to secure the vacant and peaceful possession of the suit premises.

7. Accordingly, this misc. civil application is disposed of.

**M. S. SONAK, J.**