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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 46 OF 2024

Mr. Venkatesh Narayan Prabhu Moni, Age-53 years, businessman R/o R-4 Ocean Mist Near Amar Hotel, Dona Paula, Tiswadi, Goa.Petitioner.

Versus

- 1 Mr. Neelesh Anant Takkekar Major Age, Advocate by profession 7 A 6, Gawans Waddo, Mapusa, Bardez, Goa-403507.
- 2 Mr. Kishore Uttam Bhaidkar, Major Age, A/7, Haldankar Residency, Near Rashtroli Temple, Karaswada, Mapusa, Bardez, Goa 403507.
- 3 Mr. Devkinadan Madhusudan Prabhu Major age, R/o Flat No. 780/7, Green Hill Apts, Alto Betim, Bardez, Goa 403521.
- 4 Mr Xekh Hussen Major age, R/o G-1, Sushila Apts, Taliegao H.No- 427, Dr Gama Pinto Road, Sant-Inez, Tiswadi, Goa- 403002.
- 5 Mr. Tony Victor Major age, R/o H No. 21/A, Moica Waddo, Pilerne Bardez, Goa, 403114.
- 6 Mr. Tushad Deepak Kannekar, Major age, R/o H-No 319/1, Brahmadeep, Walkeshwarwada, Sirsain, Tivim, Bardez-Goa- 403502.
- 7 Mr. Harshat Sonu Pednekar, Major age, R/o H.No. 142/f, Chandanwadi, Bastora, Bardez-Goa, 403507.
- 8 Ms. Deepti Pednekar, Major age, R/o H.No 142/f, Chandanwadi, Bastora, Bardez-Goa, 403501.
- 9 Mr. Bashir Ahmad Shaik, Major age, R/o H.

No- 1502/44, Goa Housing Board,
Mael,Tivim, Bardez, Goa-403502.

- 10 Munir Ibrahim Shaik, Major age, R/o Dempo Plaza Centre, 705 7th Floor, EDC Complex, Patto Plaza, Panjim, Goa-403001.
- 11 Ms. Viona Sherly Monteiro, Major age, R/o H.No 38/1 at Cruz Wada, Bastora, Bardez, Goa-403507.
- 12 Ms. Rosie Mascarenhas, Major age, R/o H.No 20, Moica Vaddo, Reis Magos, Pilerne, Bardez, Goa-403114.
- 13 Ms. Pooja Ratnadeep Mayekar, Major Age, r/o H.No 310, Borvonwaddo, Nachinola Post, Aldona, Bardez, Goa-403508.
- 14 Ms. Suhasini Subash Kerkar, Major age, R/o H.No 194, Boa-Vista,Bastora, Bardez, Goa-403507.
- 15 Mahesh M. Shetty, Major age, R/o H.No 1503/1 Shantae, Mangirish Colony, Madel, Tivim, Goa-403502.
- 16 Ms. Manali Subash Parsekar, Major age, R/o Zft 7 Sunset Boulevard, Alto Duele, Mapusa, Bardez, Goa-403507.
- 17 Mr. Subash Sawant, Major age, r/o 224 Rajwaddo, Mapusa, Bardez, Goa-403507.
- 18 Mr. Girish Gajanan Pednekar, Major age, R/o H.No 764, SBI Colony, Behind Bhales Hospital, Porvorim, Bardez, Goa, 403521.
- 19 Mr. Suresh K. Pednekar, Major age, R/o H.No 142/10, Duele, Near Milan Hotel, Mapusa, Bardez, Goa-403507.
- 20 Ms. Shabana Azmia Shaik, Major age, R/o G1, Sushila Apts, Amrai Waddo, Taliegao, Goa-403206.

- 21 Mr. Rakesh Ramesh Kadam, Major age, R/o Chamunda Garden, Indira Nagar, Karaswada, Mapusa, Bardez, Goa- 403507.
- 22 Mr. Deepak Kolambkar, Major age, R/o 601 Nathaline Apts, Kevni Gaothan Lane, Andheri(W), Maharashtra, Mumbai City, 400058,
- 23 Mr. Kunal Rajendra Shirodkar, Major age, R/o H.No 105/C, Xellwado, Bastora, Bardez, Goa, 403507.
- 24 Mr. Daniel Agnelo Dsouza, Major age, R/o House No. 159, Pirazona Moira, Bardez, Goa-403507.
- 25 Suryakant Anant Naik, Major age, R/o H.No 4/95/E Shri Girjatmaj, Acoi Peddem, Mapusa, Bardez, Goa-403507.
- 26 Mr. Jitesh J. Kamat, Major age, r/o Karraswado, Mapusa, Tivim Industrial Estate, Mapusa, Bardez, Goa-403526
- 27 Ms Shubhada Chandrakant Desai, Major age, R/o H.No-38, Khalcha Waddo, Sal, Bicholim, Goa-403503.
- 28 Mr. Kishore Pundalik Ajgaonkar, Major of age, R/o H. No. 103, Bhavkai, Mayem, Bicholim, Goa-403504.
- 29 Mr. Dasharath Shantaram Petkar, Since deceased through his LRC
 - a) Mr. Shashank Dasharath Petkar,
 - b) Ms Swati Dasharath Petkar,
Both Major age,
R/o H. No 683/4, Sai Sneha, Atta Fondem, Moira, Bardez, Goa-403507
- 30 Oscar Gomes, Major age, R/o H.No. 1104, Volvonnem, Tivim, Bardez, Goa-403502.
- 31 Mr. Mahesh Narvekar, Major age, R/o B & F Magnolia Housing Co-op Society, Ft-C1, Opp. Yashoda, Bar, Flt C-1, Alto

Dueler, Mapusa, Goa-403507

- 32 Mr. Anand Kumar Singh, Major age, R/o Reis Magos, Somnath Apts, Fa-3, Verem, Mapusa, Bardez, Goa, 403516.
- 33 Mr Jesus Barreto, Major age, R/o H.No-1020/F1, Premeiro Bairro, St-Cruz, Tiswadi, Goa-403007.
- 34 Mr. Ashiya Arajo, Major age, R/o Nandanvan Complex, Mathurabld Building, Ft-203, Caranzalem, Tiswadi, Goa-403001,
- 35 Ms. Krutika K. Tari, Major age, R/o S-1 Desai Apartment, Gopalganagar, Porvorim Bardez, Goa-403521
- 36 Mr. Raaj Chodankar, Major age, R/o H.No. 209/1, Raint Moira, Bardez-Goa-403507.
- 37 Mr. Dawood Ismail Shaikh, Jasmin Complex. Villa No. 1, Chandra Waddo, Fatorda, Goa-403602.Respondents.

Mr S. M. Walawaikar, and Ms Sukant V. Halarnkar, Advocate for the petitioner.

Mr Neelesh A. Takkekar and Ms Tanvi D. Naik, Advocate for respondent no.2.

CORAM:

BHARAT P. DESHPANDE, J

Reserved On:

7th February 2024

Pronounced on:

14th February 2024

JUDGMENT.:

1. Rule. Rule is made returnable forthwith.
2. Heard finally with the consent of the parties.
3. Petitioner is challenging the impugned order dated 22.12.2023 passed in CMA No.157 of 2023 by the Principal

District Judge, thereby refusing to transfer the Execution Proceedings pending before the said Court to the Court of District Judge-I Mapusa, wherein civil proceedings are pending between the parties.

4. Mr Walwaikar, learned counsel appearing for the petitioner contended that Execution Application No.283 of 2022 and Execution Application No.25 of 2023 filed by the respondents are pending before the Court of Principal District Judge whereas Civil Suit no.12 of 2023 and Civil Suit No.96 of 2023 are pending before the District Judge-I. All these proceedings are arising out of the same dispute and the petitioner has to face different proceedings wherein orders are passed by two Presiding Officers which are conflicting in nature.

5. Mr Walwaikar, submits that Execution Applications pending before the learned Principal District Judge are arising out of the order dated 17.3.2022 passed by the GRERA. He submits that as per said orders passed by the GRERA, Mamlatdar took action for execution of monetary part and attached property bearing survey No.11/1 existing in village Socorro worth Rs. 10 crores and sold it in auction merely for Rs. 3.30 crores. Mr Walwaikar, would then submit that learned Principal District Judge ignoring such recovery carried out by

the Mamatdar, passed an order without giving an opportunity to the petitioner thereby directing the petitioner to deposit an amount awarded by GRERA. Similarly, another order was passed by the learned Principal District Judge and that too without considering the reply filed by the petitioner which shows that learned Presiding Officer is carrying a prejudice mind or bias approach against the petitioner. He submits that the petitioner is having apprehension that he may not get justice and therefore applied for transfer of two execution applications pending on the file of the learned Principal District Judge to the Court of District Judge-I wherein two civil proceedings are pending.

6. Mr Walwaikar, then would submit that after the attachment and auction of the property by the Mamatdar, wife of the petitioner filed a civil suit against the said Mamatdar for declaration that such action on the part of the Mamatdar including attachment, auction is null and void. Said Civil suit is registered as Civil Suit No.96 of 2023.

7. Mr Walwaikar, would then submit that another suit is pending between the parties bearing Civil Suit no.12 of 2023 which is filed by some of the respondents and thus all these matters which are connected with the same subject matter,

needs to be transferred to one Court in order to avoid conflicting decisions.

8. Mr Walwaikar, then submit that while rejecting the application for transfer, learned Principal District Judge awarded costs which is beyond its jurisdiction. He submits that Section 35-A of CPC puts a restriction on imposing cost however, learned Principal District Judge by ignoring such power and by exceeding its jurisdiction awarded Rs.20,000/- to be paid to each of the respondents. He submits that this order itself shows the approach of the Presiding Officer which tantamounts to prejudicial mind.

9. Mr Walwaikar, would then submit that no prejudice is going to cause to the respondents, if all the matters are taken up by one Court.

10. Mr N. Takkekkar, on the other hand strongly objected to the claim raised by the petitioner on different grounds. First he claimed that the matters are not connected to each other and even subject matter is different. He submits that suit filed by wife of the petitioner is completely different wherein present respondents were not made parties. Even otherwise said suit is in connection with a property situated at Socorro whereas order passed by GRERA deals with the property existing at Mapusa.

11. Mr Takkekar would submit that GRERA passed an order dated 17.3.2022 with various directions. Such order was on the complaints/applications filed by private respondents who purchased shops/premises in the property being developed by the petitioner. Since petitioner failed to handover possession of the respective shops/apartments within specified time as mentioned in the agreements and failed to complete such units/shops in all respects, directions were given by GRERA.

12. Mr Takkekar would submit that such directions were not complied with by the petitioner even till date. Accordingly, respondents approached GRERA for execution of the order passed by it. Authority then forwarded the matter to the learned Principal District Judge for execution as such authority is not equipped for execution of its own orders. Mr Takkekar would submit that only to comply with part of the directions of the GRERA (i.e to complete the units in all respects) was forwarded to the learned Principal District Judge wherein monetary part for recovery of amount was forwarded to the Mamlatdar. Accordingly, learned Mamlatdar attached the separate property of the petitioner which is at Socorro bearing survey no.11/1 whereas property/building in which respondents agreed to purchase the shops exists in Mapusa.

13. Mr Takkekkar would submit that though learned Principal District Judge on receiving request from GRERA of execution of its order, directed the petitioner to deposit the amount as mentioned in GRERA order, this fact was brought to the notice of the learned Principal District and accordingly order was modified and it was restricted only to the aspect of handing over possession of the units with occupancy certificate and completing it in all respects.

14. Mr Takkekkar would then submit that the petitioner is avoiding to execute directions of the GRERA and is only trying to delay the matter. Attempt for transfer of proceedings is one of it.

15. Mr Takkekkar would then submit that the reference from GRERA is as per the provision and Rules of said Act and same is required to be decided by learned Principal District Judge only. He submits that when the Act itself says that the matter is required to be executed by the Principal Court of Civil Jurisdiction, such execution cannot be transferred to any other Courts.

16. Mr Takkekkar would then submit that application for transfer was filed on false and baseless allegations against Presiding Officer. He submits that when an affidavit was filed on

behalf of one of the respondents disclosing that Presiding Officer is not related to her, conveniently such allegations were withdrawn. He submits that such attempt on the part of the petitioner is deliberate, malafide and with an intent to injure the reputation of the Presiding Officer which is to be deprecated.

17. Mr Takkekar would submit that all attempts are made by the petitioner to stall the execution proceedings and finally an attempt to malign the Judicial Officer by making allegations against her of biased approach. He submits that passing orders which are not in favour of a particular party cannot be termed as bias approach.

18. Rival contention fall for determination are as under:-

Two Execution Proceedings are pending before the learned Principal District Judge whereas other two civil matters are pending before the District Judge-I. An attempt has been made to show that these proceedings are intertwined/connected and between the same parties.

19. Perusal of the suit filed by the wife of the petitioner bearing Civil Suit No.15 of 2023 shows that such suit is for declaration, possession and other reliefs, basically filed against Mamlatdar of Bardez and the petitioner himself. Reliefs claimed in that suit is to declare the proclamation issued by the

Mamlatdar in connection with property bearing survey no.11/1 existing at Socorro attaching it and auctioning it for recovery of money, is illegal. It is no doubt true that the Mamlatdar on the basis of the order passed by GRERA to recover the money from the present petitioner, attached the property bearing survey no. 11/1 situated at Socorro. Such property was sold in auction. However said suit filed by the petitioner's wife is not at all connected with the Execution Proceedings pending before the learned Principal District Judge. No doubt Execution Proceedings pending before the Principal District Judge are arising out of order passed by GRERA but it only refers to property situated at Mapusa which the petitioner developed and agreed to sell the units to the private respondents. Thus, Civil Suit no. 15 of 2023 is completely on different subject matter i.e. action of the Mamlatdar to attach and sell one of the property of the petitioner for recovery of arrears. The issues in that suit are completely separate and distinct from the execution proceedings pending before the learned Principal District Judge.

20. Another suit bearing Civil Suit No. 12 of 2023 filed by the 38 persons which includes some of the respondents is a suit for cancellation of instrument under Section 31 read with Section 34 of the Specific Relief Act. Said suit is filed against the petitioner

along with his wife and others. In that suit prayer is for cancellation of registration of Deed of Gift dated 23.2.2023 registered before the Sub Registrar of Bardez at Mapusa along with mandatory injunction. It is their contention that such Gift Deed has been fraudulently executed by defendant nos. 5 and 6 in favour of their son and daughter i.e. defendant nos. 7 and 8 only to avoid any action from Goa GRERA.

21. Goa Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of complaints and Appeal etc)Rules, 2017 provides the manner in which orders passed by GRERA could be enforced . Rules 4 reads thus:-

“4. Manner of enforcement of the order, direction or decision of the Adjudicating Officer or Authority.— Every order passed by the Adjudicating Officer, Authority or Appellate Tribunal which it is empowered to do under the Act or the rules and regulations made thereunder, shall be enforced by the Adjudicating Officer or Authority in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court. In the event such Adjudicating Officer or Authority is unable to execute the order, it shall send a copy of such order to the principal civil court, to execute such

order either within the local limits of whose jurisdiction the real estate project is located or in the principal civil court of original jurisdiction within the local limits of whose jurisdiction the person against whom the order is being issued, resides, or carries on business, or personally works for gain along with a certificate stating that such an order has not been executed by it.”

22. Mr Takkekar would submit that under this Rule, only the Court of Principal Civil Court i.e. Court of learned Principal District Judge is entitled to receive such recommendation and to execute the order. He submits that property is situated in Mapusa and within the jurisdiction of the Court of learned Principal District Judge.

23. However, issue in the present proceedings and also as raised before the learned Principal District Judge was not with regards to jurisdiction to entertain such reference only by Principal District Judge and not by other Courts. Thus, it is not necessary for this Court to dwell upon this aspect independently at this stage.

24. However, provisions of Section 24 of CPC deals with general power of transfer and withdrawal. It reads thus:-

Section 24 General power of transfer and

withdrawal.-

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage-

*(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or
(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and*

*(i) try or dispose of the same; or
(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or
(iii) retransfer the same for trial or disposal to the Court from which it was withdrawn.*

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which 1[is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

(3) For the purposes of this section,

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) proceeding includes a proceeding for the execution of a decree or order.

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.

25. Perusal of the above provisions would go to show that on an application of any of the party and after notice to the other

parties as well as hearing them or even on its own motion the High Court or the District Court at any stage transfer any suit or proceedings pending before it for trial to any subordinate Court and competent to try and dispose of the same.

26. Such power could be exercised *Suo motu* by the concerned Court and even on an application filed by any of the party. However, in case of application filed for transfer, Court is duty bound to give an opportunity to the other side. If there is no objection from the other side, Court may allow such transfer. However, when there is objection, Court will have to decide on merits as to whether transfer is necessary for and on the grounds mentioned in the transfer application.

27. In the present matter, application was filed under Section 24 of the CPC with two folds of the allegations and that too against the Presiding Officer. First allegation is that Presiding Officer passed order in haste without giving an opportunity to the petitioner and appears to be biased. It is also claimed that petitioner apprehends that he may not get justice.

28. Second allegation is found in paragraph 13 of the application wherein it is claimed that petitioner inquired deeper in the matter about the arbitrary approach of the learned Presiding Officer while passing two orders, he got the

knowledge that two units holders who have purchased different units in the subject project of the petitioner are closely related to the Presiding Officer and one among them is a direct party to the present Execution Proceedings being party no.11 Ms Viona Sherly Monteiro.

29. Mr Takkekar also submits that along with reply/affidavit of the respondents, an affidavit on behalf of Ms Viona Sherly Monteiro is filed which is at page 140-141 of the petition said Ms Viona on oath disclosed that she is not related to the Presiding Officer. After such affidavit was filed and even matter was brought to the notice of the Presiding Officer, the petitioner withdrew such allegations.

30. Mr. Walwaikar, would submit that though he got the knowledge of such relation, finally he withdrew such claim.

31. Such approach on the part of the petitioner by making wild allegations against the Presiding Officer of its bias approach on the ground that one of party is related to her and that too on affidavit and then claiming that he is withdrawing such allegations is highly deprecated. No party should be allowed to make such wild allegations and that too on affidavit and when it is pointed out that there is no substance in it, permitting them to withdraw it.

32. Mr. Takkekar is justified in contending that attempts on the part of the petitioner was to pressurise the Presiding Officer by making such allegations so that Presiding Officer under pressure or fear would not take up such matter or would allow the application for transfer by allotting the matter to some other Court.

33. Attempts on the part of the petitioner to claim aspect of bias approach by claiming that one of the party is related to the Presiding Officer is clearly an abuse of judicial process on the part of the particular litigant. When the petitioner filed an affidavit claiming that one of the party is related to the Presiding Officer, it shows that he was certain about such allegations and he verified it thoroughly. If such allegations are found to be false, would clearly go to show that petitioner made such statement on oath and he knew that it was a false statement. In the circumstances, it can be safely presumed that such statement on oath was made only to get order of transfer and to avoid a particular Presiding Officer which is considered to be a forum shopping. Such approach on the part of the petitioner cannot be appreciated at all. There was no question of allowing him to withdraw such allegations subsequent to the affidavit filed by Ms Viona Sherly Monteiro.

34. Mr Takkekar rightly pointed out that order passed by the learned Principal District Judge at the initial stage for recovery of money compensation was recalled on 7.10.2023 when the fact was brought to the notice of the learned Principal District Judge that such monetary compensation was already dealt with by the Mamlatdar as per the direction of RERA. Copy of the Roznama is placed on record to fortify this submission. Even Mr. Walwaikar admitted this fact. Thus, it is clear that even though learned Principal District Judge has passed an order directing the petitioner to pay monetary part, such order was withdrawn/recalled when it was brought to the notice of learned Principal District Judge that such money part is being executed by the Mamlatdar. This itself shows that learned Principal District Judge was alive to the situation and her jurisdiction and therefore, even if such order was passed, it was recalled, within time.

35. Second order which is claimed by the petitioner is dated 9.11.2023. By this order learned Principal District Judge directed the petitioner to rectify the deficiencies as directed by RERA in its order and report compliance. Only because such order is passed and that too after hearing the petitioner, it cannot be said that learned Principal District Judge was biased

against the petitioner in any manner. If the petitioner is aggrieved by such order he is free to challenge it. However, only because some adverse order is passed, cannot be considered as a ground for transfer.

36. It is already discussed that Execution Proceedings are pending before the learned Principal District Judge and two Civil Suits pending before other Court are on different subject. There is no connection except the fact that matter is arising out of proceedings filed before RERA. Thus application has been rightly rejected by the learned Principal District Judge. Impugned Order except awarding of cost needs no interference.

37. The impugned order imposes cost of Rs.20,000/- on the applicant to be paid to each of the respondents. Thus petitioner/applicant is directed to pay Rs. 20,000/- to each of the respondents who are 42 in numbers.

38. Power to impose cost is provided under Section 35 of the CPC which deals with cost to be awarded while deciding the suit or passing a decree. Compensatory costs in respect of false and vexatious claim or defence is provided under Section 35-A. However, maximum amount of cost which could be imposed is provided under Sub section 2 of Section 35-A which is Rs.3,000/-. Admittedly, pecuniary jurisdiction of the Principal

District Judge is much more than Rs.3,000/-. Thus cost for false and vexatious claim or defence could be at the most Rs.3,000/-

39. Said powers are required to be used only when it is found that the false and vexatious claim or defence is raised.

40. In the present matter, admittedly false claim with regards to one of the party related to the Presiding Officer was raised on affidavit. However power of the learned Principal District Judge to award compensatory cost is only Rs.3,000/- and therefore, awarding Rs.20,000/- to each party is certainly without jurisdiction. The impugned order qua the cost is therefore, modified by restricting cost of Rs.3,000/-.

41. However, matter does not end there. Petitioner by challenging the impugned order in this Court invited this Court to dwell upon such aspect wherein it is clear that attempt to raise aspect of bias against the Presiding Officer is not only on the ground of some orders passed but to project such Officer with arbitrariness. It also shows that petitioner approached this Court only to protract execution proceedings and to delay as well as pressurise the Courts below.

42. Power of this Court to award cost cannot be restricted to Section 35-A of CPC. Purpose of awarding cost is to recompensate litigant for the expenses incurred by him in the

litigation to persuade or defend his right.

43. Compensatory cost as provided under Section 35-A of CPC is so meagre and serves no purpose at this time. Main purpose of imposing cost is not only to compensate the opposite party but also to deter such litigant from filing frivolous, vexatious and false claim. Present system of levying meagre costs in civil matters (or no costs in some matters), no doubt, is wholly unsatisfactory and does not act as a deterrent to vexatious or luxury litigation borne out of ego or greed, or resorted to as a buying-time tactic. Realistic approach relating to costs may be the need of the hour.

44. Matter in hand is perfect case wherein petitioner after making wild allegations against the Presiding Officer asked for withdrawal of such allegations without realising that it already created a dent to the reputation of the concerned Presiding Officer and thereafter pressing for withdrawal of such allegations. Secondly allegations have been made on affidavit which shows that the petitioner was certain on the aspects of such allegations found to be false or made with only an intent to pressurise the Presiding Officer and to get an order of transfer. Such litigant should not be encouraged by imposing meagre cost of Rs.3,000/- as provided under Section 35-A of CPC.

45. Though petitioner approached this Court unsuccessfully, which is again found to be another attempt to buy time for execution of RERA orders needs to be penalised by imposing cost as respondents were unnecessarily dragged in the present proceedings.

46. For the above reasons, petition though partly allowed qua the costs awarded by the learned trial Court, thereby restricting it to Rs. 3,000/-. Remaining order rejecting the transfer application is confirmed. Thus claim of the petitioner for transfer of the proceeding stands dismissed, with a cost of Rs. 1,00,000/- to be deposited with the Goa State Legal Services Authority, within a period of one week.

47. Rule is made absolute in the above terms.

BHARAT P. DESHPANDE, J.

VINITA VIKAS NAIK
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