

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.440 OF 2002

Smt. Sarla Shirke,  
d/o. late Vithal  
Bablo Naik, by her  
Constituted Attorney,  
Dr. Sadashiv Morto  
Bablo Naik, residing at  
Panaji, Goa.

... Petitioner.

versus

1. M/s. Janata Auto Sales,  
a partnership firm,  
duly registered under  
the Indian Partnership  
Act, 1932, represented  
by its partners -

(a) Shri Bhaskar Rajaram  
Thakur, s/o. Rajaram  
Laxman Thakur,  
residing at Bambolim,  
Ilhas, Goa.

(b) Shri Sadanand Ghanashyam  
Thakur, s/o. Ghanashyam  
Narahar Thakur,  
residing at Campal,  
Panaji, Goa.

2. Shri Anand Vithal Naik,  
s/o. late Vithal Bablo Naik,  
r/o. Dr. Atmaram Borkar Road,  
Panaji, Goa.

3. The Additional Civil Judge,  
Senior Division, Panaji,  
Goa.

4. Administrative Tribunal,  
Panaji, Goa.

... Respondents.

Mr. S. K. Kakodkar, Senior Advocate with Mr. J.J.D'Souza, Advocate for the Petitioner.

Mr. S. D. Lotlikar, Senior Advocate with Miss S. Samant, Advocate for the Respondent No.1(a) and (b).

CORAM: P. V. HARDAS, J.

DATED: 30TH JANUARY, 2003.

**ORAL JUDGMENT**

Rule. Returnable forthwith by consent of parties.

2. Heard Mr. S. K. Kakodkar, learned Senior Counsel appearing for the Petitioner and Mr. S. D. Lotlikar, learned Senior Counsel appearing for the Respondent No.1(a) and (b).

3. Mr. S. D. Lotlikar, learned Senior Counsel appearing for the Respondent No.1(a) and (b) states that as on today the Respondent No.1(a) and (b) have carried out the repairs which they were permitted to do by the Rent Tribunal.

4. Mr. S. K. Kakodkar, learned Senior Counsel appearing for the Petitioner very fairly states that this Writ Petition which has been filed against the Order of the learned Administrative Tribunal refusing to grant interim stay to the Order of the Rent Tribunal should be decided finally at the stage of admission. The learned

Senior Counsel appearing for the Petitioner, therefore, states that instead of rule being issued, the matter be decided on merits.

5. The present Petition has been filed against the Order of the learned Administrative Tribunal refusing to grant interim relief of staying the Order of the Rent Tribunal during the pendency of Rent Revision Application No.99 of 2002.

5. In view of the statement of Mr. S. D. Lotlikar, learned Senior Counsel appearing for the Respondent No.1(a) and (b) that the Respondent No.1(a) and (b) have carried out the repairs as per the permission granted by the Rent Tribunal and, therefore, according to me, the present Petition has become infructuous. However, since the parties have been litigating for considerable length of time, according to me, it would be in the interest of justice to direct the Administrative Tribunal to expeditiously decide the Rent Revision Application No.99 of 2002 as far as possible within a period of six months from the date of receipt of the writ of this Court.

6. In view of this, Writ Petition No.440 of 2002

is disposed of with the above directions with no order as to costs.

P. V. HARDAS, J.

RD.