

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 248 OF 2003

MR. VICTOR LUIS
MONTEIRO, CANSAULIM-GOA.

... Appellant

Versus

COMMUNIDADE OF CUELIM AND 3 ORS.,

... Respondents

Mrs. A. A. Agni, Senior Advocate for the appellant.
Mr. A. F. Diniz, Advocate for the respondent no. 4.

Coram:- C. V. BHADANG, J.

Date:- 23rd March, 2015

P.C.

Heard Mrs. Agni, learned Senior Counsel for the appellant and Mr. Diniz, learned Counsel for the contesting respondent no. 4. None for the other respondents.

2. The present appeal arises out of the judgment and order dated 27/06/2003 passed by the learned District Judge, South Goa, Margao in Land Acquisition Case No. 4 of 1989. The present dispute is about apportionment of compensation.

3. During the course of arguments at bar, it is submitted that a title suit, being Regular Civil Suit No. 65/1997, filed by the respondent no. 4 is pending before the learned Senior Civil Judge at Vasco-da-Gama. It is not disputed that the decision in the Civil Suit would ultimately govern the distribution of the compensation in this case. In such circumstances and on hearing the learned Counsel for the parties, the following order is passed :

ORDER

(a) The compensation for the acquired land shall be apportioned to the parties in accordance with the final decree that may be passed in Civil Proceedings, being Civil Suit No. 65/1997, subject to the said judgment and decree attaining finality in any Appeal, Second Appeal and/or Special Leave Petition, if any, filed by either of the parties therein.

(b) Needless to mention that the Civil Proceedings shall be decided on its own merits and without being influenced by the observations made herein and/or the findings and observations made in the impugned award.

(c) No order as to costs.

4. First Appeal is disposed of in the aforesaid terms.

C. V. BHADANG, J.

SMA