

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 2 OF 2015

MR. CASIANO DIAS AND ANR., ... Appellants
Versus
MRS. ANDREZA PAES AND 9 ORS., ... Respondents

Shri Jitendra P. Supekar, Advocate for the appellants.

Coram:- F. M. REIS, J.

Date:- 10th June, 2015

P.C.:

Heard Shri J. Supekar, learned Counsel appearing for the appellants. Admit on the following substantial question of law :

Whether the Courts below have erred in coming to a conclusion that the case of the plaintiffs was that the area of the property under the old cadastral survey no.1352 was wrongly recorded as 1275 sq. metres instead of 1309 sq. metres in the new survey records of survey no.91/30 ?

2. Heard forthwith.

3. At the time of the hearing of the appeal, it was pointed out that the matter has been amicably settled. It is pointed out by Shri J. Supekar, learned Counsel appearing for the appellants that the parties

have amicably settled their dispute with regard to the compound wall and have executed consent terms. It is further pointed by the learned Counsel that pursuant to the directions of this Court by order dated 27th April, 2015, the learned Registrar has examined the consent terms and verified the parties, as well as the power of attorney attached thereto.

4. A report to that effect has also been submitted by the learned Registrar as reflected in the order sheet dated 30th April, 2015. Shri Supekar, learned Counsel appearing for the appellants confirms the consent terms on behalf of the parties and points out that the respective parties have duly signed the consent terms before the Notary.

5. The consent terms accepted, taken on record and marked "X" collectively for identification.

6. In view of the above, the impugned Judgment, Order and Decree dated 18/4/2011 passed by the learned Civil Judge, Jr. Division, at Mapusa in Regular Civil Suit No.5/1995/E and the Judgment, Order and Decree dated 6/8/2014 passed by the learned District Judge-1, Mapusa in Regular Civil Appeal No.83/2011 stand modified and the suit filed by the appellants stands decreed in terms of the consent terms marked "X" collectively for identification.

The appeal stands disposed of accordingly. Decree be drawn accordingly. No costs.

F. M. REIS, J.

ssm.