

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 506 OF 2016

1. Shri Filipe Caetano Souza (deceased)
through legal Lrs
(a) Mrs. Elena D'Silva,
widow of Filipe Caetano Souza,
79 years of age,
r/o H.No.371, Valkisor,
Macazana, Salcete Goa.

(b) Mr. Joaquim R. Souza,
son of late Filipe Caetano Souza,
59 years of age,
r/o H.No.371, Valkisor,
Macazana, Salcete Goa.

(c) Mr. Antonio Souza,
son of late Filipe Caetano Souza,
57 years of age,
r/o H.No.371, Valkisor,
Macazana, Salcete Goa.
Through its constituted attorney,
Mr. Constancio Souza,
Appointed vide Special Power of Attorney
dated 22.01.2015 executed before
Monisha R. Viegas

(d) Mr. Camilo Souza,
son of late Filipe Caetano Souza,
54 years of age,
r/o H.No.371, Valkisor,
Macazana, Salcete Goa,
Through its constituted attorney
Mr. Constancio Souza,

Appointed vide Special Power of Attorney
dated 26.12.2014 executed before
Silvano Estebeiro

(e) Mr. Francis Souza,
son of late Filipe Caetano Souza,
48 years of age,
r/o H.No.371, Valkisor,
Macazana, Salcete Goa.

(f) Mr. Constancio Souza,
son of late Filipe Caetano Souza,
46 years of age,
r/o H.No.371, Valkisor,
Macazana, Salcete Goa.

... Petitioners

Versus

Shri A. E. Menezes,
major of age,
r/o near Carmel College,
Nuvem, Salcete Goa.

... Respondent

Mr. Ashwin D. Bhobe, Advocate for the petitioners.

Mr. Vinoj K. Daniel, Advocate for the respondent.

Coram:- F. M. REIS, J.

Date:- 22nd December, 2016

ORAL JUDGMENT

Heard Mr. A. D. Bhobe, learned counsel appearing for

the petitioners and Mr. V. Daniel, learned counsel appearing for the respondent.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respondent waives service.

4. It was pointed out by the learned counsel that the matter was being amicably settled. It was also pointed out that there is a mistake in the recording of the proceedings before the learned Trial Court while recording the evidence in the Tenancy Proceedings and in the Civil Suit. In such circumstances, giving liberty to the parties to rectify the error before the learned Trial Judge, the following order is passed by consent.

O R D E R

- (i) The petition is allowed in terms of prayer clause (a).
- (ii) The parties are at liberty to file an appropriate application before the learned Trial Judge and rectify the mistake in recording of the proceedings in accordance with law.
- (iii) Rule is made absolute in the above terms.
- (iv) The petition stands disposed of accordingly.

F. M. REIS, J.

at*