

IN THE HIGH COURT OF BOMBAY AT GOA**FIRST APPEAL NO. 75 OF 2011**

M/s. Goa Homes & Developers,
a Proprietorship concern of
Mr. Ravinder Nangia, major of age,
son of S.G. Nangia, resident of
C-500, Defence Colony, New Delhi,
represented herein by his Power of
Attorney holder, Raman Dogra,
aged 60 years, married,
businessman, Indian National,
resident of B-1/54, Malviya Nagar,
New Delhi 17.

..... **Appellant.**

Versus

1. Mr. Savio Roque da Graca Mesquita,
major of age, resident of
First Floor, Gracias Building,
house No. not known, Mangor Hill,
Vasco-da-Gama, Goa.

2. Mrs. Maria de Jesus Gracias,
major of age, wife of Savio
Roque da Graca Misquita,
resident of house No. not known,
Mangor Hill, Vasco-da-Gama, Goa.

..... **Respondents.**

Mr. J. Ramaiya, Advocate for the appellant.

Ms. Susan Linhares, Advocate for the respondents.

CORAM :- F.M. REIS, J.

Date : - 18 APRIL 2016

ORAL JUDGMENT :

Heard Mr. J. Ramaiya, learned Counsel appearing for the appellant and Ms. S. Linhares, learned Counsel appearing for the respondents.

2. During the course of the hearing of the above appeal, the learned Counsel appearing for the appellant and the respondents have pointed out that in the meanwhile, the parties have amicably settled their dispute and have signed Consent Terms. The proprietor of the appellant, who is present in the Court, as well as the respondents No.1 and 2 who are also present, have pointed out they have amicably settled the dispute between them and have filed Consent Terms. The Consent Terms are duly signed by the proprietor of the appellant, as well as the respondents, along with their respective Counsel. The parties who are present in the Court have admitted the contents of the Consent Terms and have accepted the Consent Terms. The Consent Terms are accepted, taken on record and marked “X” for identification.

3. The proprietor of the appellant, who is present in the Court, has also admitted and acknowledged the receipt of the sum of

Rs.60,00,000/- , referred to in the Consent Terms. The learned Counsel appearing for the appellant and the respondents have pointed out that in view of the Consent Terms, the above appeal may be disposed of.

4. In view of the above, I pass the following :

O R D E R

(I) The appeal is partly allowed.

(II) The impugned Judgment and Decree dated 30/04/2011, passed by the learned Civil Judge, Senior Division, Vasco-da-Gama, Goa in Special Civil Suit No.5/2008/A is quashed and set aside.

(II) The suit filed by the appellant stands decreed in terms of the Consent Terms marked “X” for identification.

(III) Decree to be drawn accordingly.

(IV) The appeal stands disposed of accordingly, with no order as to costs.

F. M. REIS, J.

ssm.