

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 89 OF 2009

MISS MARIA BELINDA PEREIRA ... Appellant
Versus
SMT. RUKMINI PARWAR AND ANR., ... Respondents

Mr. J. J. Mulgaokar, Advocate for the appellant.
Mr. Thalman P. Pereira, Advocate for the respondent No.1.
Respondent No.2 in person.

Coram:- F. M. REIS, J.

Date:- 12th August, 2016

P.C.:

Heard Mr. J. J. Mulgaokar, learned Counsel appearing for the appellant and Mr. T. Pereira, learned Counsel appearing for the respondent No.1. Respondent No.2 present in person.

2. The above appeal came to be admitted by an Order dated 30th July, 2010, on the following substantial question of law :

Whether the findings given in the impugned Judgment that the subject of the lease agreement was the residential house has been given by misconstruing the lease agreement dated 17.1.1994 ?

3. During the course of hearing of the above appeal, it was pointed out by the learned Counsel appearing for the appellants and

the respondent that in the meanwhile, the parties have amicably settled the dispute and have filed Consent Terms, duly signed by the appellant No.2 for self and as a guardian of appellant No.1(b), as well as by respondents No.1, along with their Counsel and the respondent No.2. The learned Counsel appearing for the appellants points out that he has also signed the Consent Terms on behalf of the appellant No.1(a), upon his instructions and, as he is presently not available. The learned Counsel undertakes to file the necessary Wakalatnama, as well as an authority to sign the Consent Terms, within two weeks from today. The signatures of the parties, present in the Court have been duly identified and confirmed by the learned Counsel appearing for the respective parties.

4. Considering the nature of the dispute and on going through the Consent Terms, there is no reason not to accept the Consent Terms. The Consent Terms are, accordingly, taken on record and marked "X" for identification.

5. The learned Counsel appearing for the appellants, upon instructions, seeks leave to withdraw the above appeal.

6. The learned Counsel appearing for the respondent No.1, upon instructions, states that consequently, the execution proceedings filed by the respondent No.1 would be withdrawn by the respondent within three weeks from today.

7. Accepting the said statements of the learned Counsel, upon instructions, the appeal stands dismissed as withdrawn.

F. M. REIS, J.

ssm.