

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 106 OF 2016

MRS. LAURENCA SIQUEIRA PINTO AND
ANR.,

... Appellants

Versus

MR. DAVID GOMES AND 2 ORS.,

... Respondents

Mr. J. Abreu Lobo, Advocate for the appellants.

Mr. Parikshit S. Sawant, Advocate for the respondent No. 2.

Coram:- F. M. REIS, J.

Date:- 7th July, 2017

P.C.:

The above appeal challenges the Judgments passed by the Courts below, whereby the suit filed by the plaintiffs came to be dismissed and the Appellate Court also dismissed the appeal preferred by the appellants. Both the Courts below concurrently have come to the conclusion that the claim of the appellants, based on the matriz record, cannot be accepted.

2. On perusal of the Judgment of the learned Trial Judge, I find that the learned Judge has rightly appreciated the evidence on record to come to the conclusion that the appellants have failed to establish their claim that the suit property claimed by the appellants is included in the property inscribed in the Matriz record as stated therein. The said findings of fact cannot be reappreciated by this Court in a second appeal. The Appellate

Court, whilst dismissing the appeal filed by the Appellants, cannot re-appreciate the concurrent findings of fact, unless perversity in such findings is shown by the appellants. On perusal of the substantial questions of law as proposed, I find that they essentially entail reappreciation of the evidence on record which is not permissible in a second appeal.

3. In the Judgment dated 21st October, 2016 passed in Second Appeal No.32 of 2016, filed by the appellants on the same grounds against some other parties, this Court had dismissed such appeal. For the reasons stated therein, I find that there are no substantial questions of law for consideration in the present appeal. The appeal stands, accordingly, rejected.

F. M. REIS, J.

ssm.