

IN THE HIGH COURT OF BOMBAY AT GOA
FIRST APPEAL NO.49 OF 2019

1. Mehboobsab Rajasab Doddamani
(Since deceased through LR's)
- (a) Smt. Nurjahan Doddamani,
Widow of Mehboobdab Doddamani,
Major of age, housewife,
 - (b) Smt. Aisha Doddamani,
Widow of Mehboobdab Doddamani,
Major of age, housewife,
 - (c) Shri Mustafa Doddamani,
Son of late Mehboobdab Doddamani,
Major of age, businessman,
 - (d) Shri Mustafa Doddamani,
Alias Mohammed Sadik,
Son of late Mehboobdab Doddamani,
Major of age, businessman,
 - (e) Kum. Wasima Doddamani,
Daughter of late Mehboobdab Doddamani,
Major of age,
 - (f) Kum. Minaz Doddamani,
Daughter of late Mehboobdab Doddamani,
Major of age,
 - (g) Kum. Afreen Doddamani,
Daughter of late Mehboobdab Doddamani,
Major of age,
 - (h) Kum. Saniya Mehboobsab Doddamani,
Daughter of late Mehboobdab Doddamani,
Major of age, Student

All residing at H. No.560,
Davorlim, Housing Board,
Navelim, Salcete, Goa.

... Appellants/
(Orig.Def.No.1(a) to 1(h))

V e r s u s

1. Shri Pradyumna G. Pai Raikar,
Son of Shri Ghanashyam Pai Raikar,
Aged 42 years, occupation
business, Resident of 'Kameshwari'
Sebastian D'Cunha Road,
Aquem, Margao, Goa.
2. Shri Nikhil R.Prabhu Ajgaonkar,
Son of Shri Ramesh Prabhu Ajgaonkar,
Aged 42 years, business,
Indian National, resident of H. No.822,
Near Old chowgule College,
Vidhyanagar, Margao, Goa. Respondents

Mr. Sudesh Usgaonkar and Ms. Marie Rosette Pereira,
Advocates for the Appellants.

Coram :- C. V. BHADANG, J.
Date : 19th July, 2019

ORAL JUDGMENT

1. The parties have produced Consent Terms on record which are marked 'X' for identification. The appellant no.1(d) and the respondent no.1 are personally present before the Court. The parties admit the correctness of the contents. I have heard the learned Counsel for the Appellants.

2. The first respondent has obtained a Decree dated 19.04.2018 for Rs.5,93,000/- along with interest at the rate of 12% per annum against the appellants. The respondent no.2 herein was the original defendant no.2, who is a formal party. The appellants and the respondent no.1 have settled the dispute amicably and, therefore, the respondent no.1 has no

objection for setting aside the Decree dated 19.04.2018 passed by the learned Additional Senior Civil Judge, South Goa, Margao, in his favour in Special Civil Suit No.38/2009/II.

3. In such circumstances, the following order is passed :

ORDER

- (i) The appeal is allowed.
- (ii) The impugned Judgment and Decree is hereby set aside.
- (iii) Special Civil Suit No.38/2009/II is hereby dismissed.
- (iv) In the circumstances, there shall be no order as to costs.
- (v) Decree be drawn accordingly.

C. V. BHADANG, J.

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