

IN THE HIGH COURT OF BOMBAY AT GOA

F. A. No. 51 of 2011
With
F. A. NO. 68 of 2011

F. A. No. 51 of 2011

Comunidade of Chicalim
a body corporate governed by
Code of Comunidades,
through Its Attorney,
Mr. Assis Nunes.,
residing at Chicalim,
Mormugao, Goa.

..... Appellant

V e r s u s

1. Salgaonkar Medical Research
Centre,
A Society registered under Societies
Registration Act, 1860, having its office
at Salgaonkar House,
Vasco da Gama, Goa,
through its Secretary.

2. Administrtor of Comunidade of Salcete
and South Zone,
having his office at Comunidade Building,
Margao, Goa.

3. Government of Goa,
through the Chief Secretary,
having his office at the Secretariat,
Porvorim, Goa.

..... Respondents

Mr. J. P. Mulgaonkar, Senior Advocate with Adv. Ms. Pearl Elisa Remedios
for the Appellant.

Mr. A. F. Diniz, Senior Advocate with Advocate Ms. Neha Shirodkar for the Respondent no.1.

Ms. Susan Linhares, Addl. Government Advocate for the Respondent nos.2 and 3.

F. A. No.68 of 2011

1. Salgaonkar Medical Research
Centre,
A Society registered under Societies
Registration Act, 1860,
having its office at Salgaoncar House,
off Dr. F. Gomes Road,
Vasco-da-Gama, Goa, through its
Secretary-Governing Council

..... Appellant

V e r s u s

1. Comunidade of Chicalim,
A Statutory Body constituted and
functioning under the Legislative
Diploma No.2070 dated
15/4/1961 (Code of Comunidades),
through its Attorney, Mr. Assis
Nunes, residing at Chiclim,
Mormugao, Goa.

2. Administrator of Comunidades of Salcete
and South Zone, having his office
at Comunidade Bldg.,
Margao, Goa.

3. Government of Goa,
through the Chief Secretary,
having his office at the Secretariat,
Panaji, Goa.

..... Respondents

Mr. A. F. Diniz, Senior Advocate with Advocate Ms. Neha Shirodkar for the Appellant.

Mr. J. P. Mulgaonkar, Senior Advocate with Adv. Ms. Pearl Elisa Remedios for the Respondent no.1.

Ms. Susan Linhares, Additional Government Advocate for Respondent nos.2 and 3.

CORAM: DAMA SESHADRI NAIDU, J.
DATE: 14th August, 2020.

ORDER:

The appellant in First Appeal No.68/2011 is the plaintiff in Civil Suit No.20/2004/FTC-1 before the Fast Track Court-I. In that suit, the respondents as defendants filed a counter claim. They are the appellants in F.A. No.51/2011.

2. Through Judgment dated 21/12/2010, the Trial Court partly decreed the suit and dismissed the counter claim. Aggrieved, both the parties have filed appeals. Now, pending the appeals, the parties have settled their disputes and have filed the Consent Terms on record. Those Consent Terms have been taken on file and made part of this Order.

3. Heard the learned counsel on both sides. This Court disposes of both the appeals as have been settled out of Court and the Consent Terms now filed must be read as part of the Judgment.

4. Ms. Linhares, the learned Additional Government Advocate, representing both the respondent nos. 2 and 3 in both the appeals, has also filed a communication from the Revenue Department, Government of Goa, to the Collector, South Goa. It concerns the Government's consent accorded for the settlement under Article 31 of the Code of Comunidade.

6. Decree in terms of Consent Terms shall be drawn.

DAMA SESHADRI NAIDU, J.

AP/-