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IN THE HIGH COURT OF BOMBAY AT GOA

**SECOND APPEAL NO.10 OF 2021
AND
CIVIL APPLICATION NO.28 OF 2021**

NOLASCO SOUZA (DEC)
THR. LRS. AND ANR.APPELLANTS

Versus

JOAO MANUEL DE ABREU
(DEC) THR. HIS LRS. AND
ANR.RESPONDENTS

Mr. Sagar Dhargalkar, Advocate for the Appellants.
Mr. R.G. Ramani, Senior Advocate with Mr. Pranav
Kakodkar, Advocate for Respondent No.1(h).
CORAM: M. S. SONAK, J.

DATE : 9th DECEMBER 2022

P.C. :

1. Heard Mr. Sagar Dhargalkar for the appellants and Mr. R.G. Ramani, learned Senior Advocate who appears along with Mr. P. Kakodkar for respondent no.1(h).
2. The learned Counsel hand in Consent Terms which are taken on record and marked as 'X' for identification.
3. The Consent Terms have been signed on behalf of the appellants by Mr. Tony Fernandes alias Mr. Antonio Francisco De Santa Teresa Fernandes (appellant no.1(b)), who is present in the

Court. The Consent Terms state and Mr. Tony Fernandes confirms that he is a duly constituted attorney on behalf of his wife appellant no.1(a) and his mother-in-law appellant no.2. Copy of the Power of Attorney is also annexed to the Consent Terms.

4. Mr. Dhargalkar, learned Counsel for the appellant has also signed the Consent Terms. He also identifies appellant no.1(b), who is present in the Court.

5. Respondent no.1(h) Miss Maria De Ceu Fatima Jose de Abreau has signed the Consent Term. She is present in the Court. Most of the other respondents do not reside in Goa and some of them even reside abroad. Therefore, on the earlier occasion, it was represented that a settlement has been reached but signatures of all the respondents cannot be obtained.

6. Accordingly, it was proposed that some Consent letters through email should be placed on record to the effect that such respondents agree to the proposed Consent Terms.

7. Accordingly, such email messages together with authority to respondent no.1(h) have been sent by the other respondents and the same are annexed to the consent terms.

8. The Consent Terms have also been signed by Mr. P. Kakodkar, learned Counsel for respondent no.1(h), who identifies respondent no.1(h).

9. Mr. Tony Fernandes states that he has signed the Consent Terms after understanding their true scope and import. Similarly, respondent no.1(h) also states that she has signed the consent terms after understanding their true scope and import. Both of them state that they have signed the consent terms willingly in order to end the long standing litigation amicably.

10. I have perused the Consent Terms. They are not opposed to law. As per the Consent Terms, the appellants have undertaken to pay an amount of ₹10.00 lakhs to the respondents in full and final settlement. Even the respondents have agreed that an amount of ₹8.00 lakhs should be paid to respondent no.1(h) and ₹2.00 lakhs should be paid to respondent no.1(b)(g), that is Mrs. Rita Maria Godinho Vaz.

11. Accordingly, Mr. Tony Fernandes hands over to Miss Maria De Ceu Fatima Jose de Abreau two Demand Drafts in the amount of ₹8.00 lakhs and ₹2.00 lakhs, respectively. Miss Maria De Ceu Fatima Jose de Abreau admits the receipt of these two Demand Drafts. One of the Demand Drafts is in her name and

the second Demand Draft for ₹2.00 lakhs is in the name of Mrs. Rita Maria Godinho Vaz. Miss Maria De Ceu Fatima Jose de Abreau states that the Demand Draft in the name of Mrs. Rita Maria Godinho Vaz will be handed over by her to Mrs. Rita Maria Godinho Vaz within a week from today. This statement is accepted.

12. The undertakings referred to in the Consent Terms are accepted as undertakings to this Court and the parties, including in particular respondents, will have to abide by them.

13. The Consent Terms are taken on record and accepted. The appeal is disposed of in terms of the Consent Terms. Civil application does not survive the disposal of the Second Appeal and the same is also disposed of.

14. On necessary applications, the Registry to issue the certified copies.

M. S. SONAK, J.

NITI K
HALDANKAR

Digitally signed by
NITI K HALDANKAR
Date: 2022.12.09
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