

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.140/2018

1. Dr. Jose Floriano Cristovam Pinto,
major of age and his wife,
2. Mrs. Cristabel Maria De Menezes
E Pinto, wife of Dr. Jose Floriano
Cristovam, major of age,
Both Indian Nationals and residing
at House No.1128, Second ward,
Gorbatt, Calapur, Goa.
3. Marieta Teresa Petronila De Fatima
Mascarenhas E Pinto,
major of age, Widow of late Alvaro
Jose Teofilo Pinto, Indian National and
residing at Flat No.212, Landscape Pinto
Park, Campal, Panaji-Goa.

... APPELLENTS

Versus

1. Dr. Michelle N. Pinto Souza,
(since deceased), represented by
Jenelle Nicole Mariah De Souza,
minor, residing at Rua Dom Amtonio
Riberio. No.7, 6 F, Miraflores, Alges,
Portugal, 1495-049.
(represented by next friend, the
respondent no.2).
2. Mr. Joel Jesuino Milagres De Souza,
major of age, Both Indian Nationals and
residing at Rua Dom Amtonio Riberio.
No.7, 6 F, Miraflores, Alges, Portugal,
1495-049.

3. Mrs. Fatima Hortencia Indira Pinto E
Pereira, major of age and her husband.

4. Mr. Arvin Pereira,
major of age,
Both Indian Nationals and residing at
3375, Mistwell Cres, Oakville,
Ontario, Canada.

... RESPONDENTS

Ms. Marushka de Monte Furtado *for the Appellants.*

Mr. A. F. Diniz, Senior Advocate with Mr. Ryan Menezes,
Advocate for the Respondent Nos.1(a) and 2.

Ms. Maria Correia, Advocate for Respondents No.3 & 4.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

DATED: 8th March 2022

P.C.:

1. Heard Ms. Marushka de Monte Furtado for the appellants, Mr. A. F. Diniz, learned Senior Advocate who appears along with Mr. Ryan Menezes for the respondents no.1(a) and 2 and Ms. Maria Correia for respondent nos.3 and 4.

2. Ms. Maria Correia, learned counsel for respondents no.3 and 4 places on record copy of power of attorney executed by respondents no.3 and 4 in favour of Dr. Cristovam Pinto Rodrigues. She states that necessary endorsement from the office of the Collector of North Goa will be obtained within four weeks

from today and the copy bearing such endorsement will be placed on record within the said period. This state is accepted.

3. The learned counsel for the parties hand in Consent Terms which are taken on record and marked as 'A' for the purposes of identification.

4. The Consent Terms have been signed by the appellants who are today present in the Court. The Consent Terms have also been signed by respondent no.2 Mr. Joel de Souza for himself and as the natural guardian for his daughter Jenelle Nicole Mariah de Souza. Mr. Joel de Souza is present in the Court today.

5. By a separate order, leave has been granted in terms of Order 32 Rule 7 of the Code of Civil Procedure to enable Jenelle, who is a minor to enter into the compromise now proposed.

6. The power of attorney holder for respondents no.3 and 4 Dr. Cristovam Pinto Rodrigues is also present in the Court.

7. As noted earlier, the Consent Terms have been signed by the parties who are present in the Court and their advocates. The parties who are present in the Court state that they have

understood the scope and import of the Consent Terms and they have signed the Consent Terms willingly.

8. On perusing the Consent Terms, we do not think that the same affect the interest of the minor Jenelle de Souza. Accordingly, we see no difficulty in accepting the Consent Terms and disposing of First Appeal No.140/2018 in terms of the said Consent Terms.

9. At the request of the learned counsel for the parties, liberty is granted to pay the stamp duty referred to in paragraph 30 of the Consent Terms by way of franking. However, it is clarified that the concerned authorities must verify whether the stamp duty reflected in paragraph 30 of the Consent Terms is the proper and adequate stamp duty. If the concerned Sub-Registrar is of the opinion that there is any shortfall then the parties undertake to make good the shortfall proportionate to their respective entitlements/allotments. This means that before the payment of the stamp duty by way of franking, the parties will have to obtain necessary clearance from the Sub-Registrar on this aspect.

10. Learned counsel for the parties point out that these Consent Terms dispose of the Inventory Proceedings No.90/2013 pending before the Civil Judge, Junior Division 'F' Court at

Panaji-Goa although, the Consent Terms at paragraph 23 refer to the pending Court as the Civil Judge, Senior Division 'A' Court at Panaji-Goa. Accordingly, the parties to file a copy of these Consent Terms along with the Order now made in this appeal before the said Court, so that the said Court can also pass formal orders for disposing of the said Inventory Proceedings.

11. The Consent Terms are therefore taken on record and this appeal is disposed of in terms of the Consent Terms.

12. The decree be drawn out accordingly.

13. Miscellaneous applications if any are also disposed of.

R. N. LADDHA, J.

M. S. SONAK, J.

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