

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO.70/2019
WITH
CIVIL APPLICATION NO.168/2019

CAJI MAMAD MOHIDDIN
(DEC) AND 7 ORS.

... APPELLANTS

Versus

KAJI RAZUDDIN ALI
(DELETED AS PER ORDER
DTD. 07/10/2022) AND 4 ORS.

... RESPONDENTS

Mr. S. G. Desai, Senior Advocate with Ms. Shalaka
Shelke, Advocate for the Appellants.

CORAM: M. S. SONAK, J.

DATED: 22nd December 2022

P.C.:

1. Heard Mr. Desai, learned Senior Advocate who appears
with Ms. Shalaka Shelke for the appellants.

2. The connected Second Appeal No.69/2019 is admitted.
Accordingly, even this appeal is admitted on the following
substantial questions of law:

A) Whether in terms of Article 2158 of the Portuguese
Civil Code allotment in partitions proceedings confers
ownership title on the allottee of the allotted properties?

B) Whether Regular Civil Appeals no.376/2010 and 377/2010 stood wholly abated on the demise of Canam Bi, original plaintiff no.7 on 01.09/2015 during the pendency of the two first appeals, her heirs not being brought on record by the Appellants in the two Civil Appeals?

C) Whether the impugned Judgment and Decree is vitiated on account of perverse findings including the non-exclusion of oral evidence in terms of Sections 91 to 94 of the Indian Evidence Act, 1972?

3. The appellants will have to take steps to serve the respondents. Ms. Shelke assures this Court that process fees and copies will be paid within two weeks from today. She states that if the process fees and copies are not paid within two weeks, then, the appeal can stand dismissed without further reference to this Court.

4. The application for interim relief is however rejected for reasons set out in the order admitting Second Appeal No.69/2019 and rejecting the application for interim relief made therein.

M. S. SONAK, J.

SUCHITRA
NANDAN
SINGBAL
Digitally signed by
SUCHITRA
NANDAN SINGBAL
Date: 2022.12.22
16:53:08 +05'30'