

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.945 OF 2018
WITH
NOTICE OF MOTION NO.1631 OF 2018**

Barbara Francis Pereira and Ors.

... Plaintiffs

Versus

Water Simon Rozario and Anr.

... Defendants

Mr. S.K.Dubey, for Plaintiffs.

Mr. Joel Carlos, for Defendant Nos.1 and 2.

CORAM: N.J.JAMADAR, J.

DATE: 20th SEPTEMBER, 2022

P.C.:

1. Heard the learned Counsel for the parties.
2. The learned Counsels submit that Plaintiff Nos.1 to 5 and Defendant Nos.1 and 2 have amicably resolved the dispute and Consent Terms have also been executed. Ms. Barbata Francis Pereira, Ms. Loretta Vincent @ Ignatius Gomes, Ms. Gracy Sebastian Mendonsa, Ms. Gwen Morgan Gracias and Ms. Nora Dexter Baretto – Plaintiff Nos.1 to 5 and Mr. Walter Simon Rozario – Defendant No.1 who is brother of Plaintiffs and Mr. Anthony Walter Rozario – Defendant No.2, son of Defendant No.1 are present before the Court.
3. The parties admit the contents of the Consent Terms and execution thereof. The learned Advocates for the parties have identified the executants of the Consent Terms. The parties submit that they have executed the Consent Terms

voluntarily and there is no coercion or duress.

4. It seems that the parties have worked out a comprehensive settlement of the dispute. Upon being enquired, the Plaintiffs admitted that they are agreeable to the settlement of the dispute in accordance with the Consent Terms and they have received a sum of Rs.5 Lakhs each and two of the properties mentioned in clause 11 (a) and (b) are to be transferred in their favour.

5. The Defendants also agreed to abide by the contents of the Consent Terms.

6. In view of the above, the Consent Terms are taken on record and marked 'X'.

7. The Suit, thus, stands decreed in accordance with the Consent Terms, 'X'. The Consent Terms shall form part and parcel of the decree.

8. The undertakings recorded in the Consent Terms are accepted as undertakings given to the Court.

9. The Plaintiffs are entitled to refund of Court Fees, if any, in accordance with the rules.

10. Decree be drawn and sealed expeditiously.

11. In view of the disposal of the Suit, Notice of Motion does not survive and the same stands disposed.

(N.J.JAMADAR, J.)