

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO.29 OF 2011

GOPAL BALKRISHNA FALLARY AND 2
ORS.,

... APPELLANTS

Versus

ULHAS ALIAS BALCRISHNA VAMAN
FALLARY AND ANR.,

... RESPONDENTS

Mr. Raunaq Rao with Ms. Tabitha Sauto, Advocates for the
Appellants no. 1 to 3.

Mr. Vithal Naik, Advocate holding for Ms. Neha Shirodkar,
Advocate appointed under Legal Aid Scheme.

CORAM:- M. S. SONAK, J.

DATED :- 7th December, 2023

P.C.

Heard Mr. Rao, learned Counsel, who appears for the Appellants.

2. Ms. Neha Shirodkar, was appointed under the Legal Aid Scheme. Today, she is unable to remain present. But, Mr. Rao has assured the Court that the Consent Terms are drawn out in consultation with Ms. Neha Shirodkar. Similarly, Respondent no. 1(e), Ms. Bhakti Ulhas Fallary, who holds Power of Attorney in respect of the remaining Respondents, who is present in the Court, assures the Court that these Consent Terms have been drawn in consultation with Ms. Neha Shirodkar.

3. The Consent Terms are now tendered by Mr. Raunaq Rao in the presence of Shri Devdatta Gopal Fallary (Appellant no.3), who holds the Power of Attorney for the first and second Appellants and Ms. Bhakti Ulhas Fallary, who holds Power of Attorney for the remaining Respondents. The Consent Terms are accordingly taken on record and marked as 'X' for the purpose of identification.

4. Mr. Devdatta Fallary and Ms. Bhakti Fallary [Respondent no.1(e)], state that they have signed the Consent Terms after understanding their true scope and import.

5. To the Consent Terms are annexed their Power of Attorneys. Aadhar Cards of Mr. Devdatta Fallary and Ms. Bhakti Ulhas Fallary are also placed on record. Mr. Rao has also identified the parties.

6. On perusing the Consent Terms, I find that they are not opposed to public policy. The parties to the litigation are related to each other and they wish to end their disputes. The Appellants have also agreed to grant the Respondents time to vacate their belongings from the Mali (suit property) up to 31.12.2024.

7. Accordingly, the Consent Terms are accepted and the Second Appeal is disposed of in terms of the Consent Terms. The undertakings and the statements in the Consent Terms are accepted.

8. Mr. Naik, now appears and says that he holds for Ms. Neha Shirodkar. He confirms that Ms. Shirodkar has looked into the Consent Terms and has stated that the Appeal could be disposed of in terms of the Consent Terms.

9. The Appeal is disposed of accordingly. The Registry to draw the necessary Decree in terms of the Consent Terms. There shall be no order as to costs.

M. S. SONAK, J.

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