

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

**SECOND APPEAL NO.24/2022
WITH
CIVIL APPLICATION NO.28/2022**

**BERTHA
FERNANDES**

RICARDINA

... APPELLANT

Versus

**ARMINDO BRAGANZA AND
4 ORS.**

... RESPONDENTS

Mr. Ashwin Bhobe with Ms. A. Fernandes, Advocates *for the Appellant.*

Mr. N. N. Sardessai, Senior Advocate with Mr. S. Fadte, Advocate *for the Respondents.*

CORAM: M. S. SONAK, J.

DATED: 20th January 2023

P.C.:

- 1.** Learned counsel for the parties hand in consent terms which are taken on record and marked as 'X' for identification.
- 2.** Consent terms have been signed by the appellant and her husband and respondent nos.1 and 2. The learned counsel point out that the remaining respondents were only formal parties and

will in no manner be prejudiced by the settlement of disputes between the appellant and respondent nos.1 and 2.

3. The consent terms have also been signed by the advocates for the appellant and respondent nos.1 and 2. The advocates have not only identified the parties but stated that they have explained the terms to their respective parties.

4. The signatories to the consent terms i.e. the appellant Mrs Bertha Fernandes and her husband Mr Martinho Jose Fernandes are present in the Court. So also, Mr Armino Braganza and Mrs Jovita Braganza – respondent nos.1 and 2 are present in the Court. They say that they have read and understood the consent terms and have willingly signed the consent terms after being explained their entire scope and import.

5. The consent terms are imminently fair and in my judgment, this agreement should have been arrived at by the parties no sooner they instituted the suit. Be that as it may, now that the parties have sorted out their differences on terms which are favourable to both the parties, the consent terms deserve to be accepted and this appeal disposed of based on the consent terms.

6. Accordingly, the consent terms are accepted and this appeal is disposed of in terms of the consent terms. A decree in terms of the consent terms to follow. Accordingly, the impugned decree dated 11.10.2021 passed in Regular Civil Appeal No.137/2018 is set aside and the Sale Deed dated ~~18.11.2018~~ ^{18.11.2008} is restored. There shall now be a decree in terms of the consent terms.

Correction carried out
as per order dated
10.02.2023 in MCA
No.282/2023 (Filing) in
Second Appeal
No.24/2022.

7. Civil Applications, if any, do not survive and the same are also disposed of.

M. S. SONAK, J.