

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO.34 OF 2018

**TULSHIDAS NARAYAN
MATONDKAR AND ANR.**

....APPELLANTS

Versus

**VICTORIA FONSECA
BILIMORIA AND 7 ORS.**

....RESPONDENTS

Mr J.E. Coelho Pereira, Senior Advocate with Mr Vinod Korgaonkar and Mr Vilas Pavithran, Advocates for the Appellants.

Mr J.P. Mulgaonkar, Senior Advocate with Ms Rupa Banaulikar, Advocate for Respondent No.1.

CORAM: M. S. SONAK, J.

DATE : 23rd MARCH 2023

P.C. :

1. The learned Counsel for the parties hand in Consent Terms which are taken on record and marked as 'X' for purpose of identification. Along with the Consent Terms the parties have provided necessary stamp papers in an amount of ₹48,000/-.

2. The Consent Terms have been signed by the two appellants and their Advocate. Respondent no.1, who is virtually impaired has put her thumb impression on the Consent Terms. Respondent no.1 is the Power of Attorney holder on behalf of other respondents. Besides,

respondent no.2(a), who is the respondent no.1's son has also signed the Consent Terms. The Consent Terms have also been signed by the Advocate for the respondents.

3. Further, the Consent Terms have been signed before a Notary Public. Mr Mulgaonkar clarifies that respondent no.1, who is unable to travel from Delhi has put her thumb impression in the presence of the Notary.

4. Mr Dennis D. Bilimoria – respondent no.2(a) is present in person. He states that his mother has put the thumb impression on the Consent Terms. He further states that all the respondents have been explained the scope and import of this Consent Terms and they have willingly signed/attested to these Consent Terms.

5. On perusing the Consent Terms, there is nothing therein which could be said to be opposed to public policy. Accordingly, the Consent Terms are accepted. The undertakings in the Consent Terms are also accepted as undertakings to this Court.

6. The appeal is disposed of by accepting the Consent Terms and in terms of the Consent Terms a decree will have to be drawn out consistent with such Consent Terms. Upon the decree being drawn out, at the request of Mr Pereira, the learned Senior Advocate for the

appellants, it is directed that this decree could be registered as a conveyance in accordance with law.

7. The Second Appeal is disposed of in the above terms without any order for costs.

M. S. SONAK, J.

NITI K HALDANKAR



Digitally signed by NITI
K HALDANKAR
Date: 2023.03.23
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