

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO.59 OF 2022

JAIDEV SAVLO NAIK (DEC) THR. LRS.
AND ANR

... APPELLANTS

Versus

SURESH SAVLO NAIK (DEC) THR. LRS.
AND 2 ORS

... RESPONDENTS

Ms. Prajali Tari, Advocate for the Appellants.

Mr. Ashwin D. Bhobe, Advocate for Respondent Nos. 1(c), 1(d),
1(g), 1(h) and 2.

Ms. Vidhati Shetye, Advocate under Legal Aid Scheme for
Respondent Nos. 3(a) to 3(e).

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 28th November, 2023

P.C.

1. The Appellants, namely, Nitesh Jaidev Naik, Deepa Nitesh Naik, Rajmati Ashok Naik Kundaikar, Ashok Naik Kundaikar, Sharmila Satyawar Parsekar, Satyawar Parsekar, Mukesh Jaidev Naik, Sushma Bhimkant Naik, Bhimkant Naik and the Respondents, namely, Premila Sudhir Revandkar, Sudhir Vithal Revandkar, Mahendra Suresh Naik, Medha Mahendra Naik, Sanyogeeta Jana Borcar, Jana Chandrakant Borcar, Naresh Suresh Naik, Nidhi Naresh Naik, Suhasini Suresh Naik, Rashmi Rajendra Naik, Saeesh Rajendra Naik, Sahil Rajendra Naik, Siya Rajendra Naik and Sanchi Rajendra Naik are present in person along with their Counsel.

2. Both the parties amicably settled the dispute and signed today the consent terms. On inquiry with the Appellants and the Respondents, who are present in the Court, they agreed that the terms of settlement were drawn as per their consent/free will and without coercion. The parties settled the dispute out of Court and agreed to partition the property as per the plan annexed to the consent terms.

3. The Appellants as well as the Respondents and their respective Counsel signed the consent terms and the plan annexed to it.

4. On perusal of the consent terms, it is found that the property is now partitioned amongst the Appellants and the Respondents as per the terms and conditions and in view of the plan annexed to the consent terms. Since the dispute is settled amicably and all parties have signed the consent terms voluntarily, the consent terms along with the plan stand accepted and the same is taken on record and marked 'X' for identification. The judgment and decree passed by the Courts below are accordingly modified. The decree be passed in view of the consent terms filed before this Court.

5. The Second Appeal is accordingly disposed of. No order as to costs.

BHARAT P. DESHPANDE, J.