

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 1 OF 2013

WITH

MISC. CIVIL APPLICATION NO.776 OF 2021 (Filing No.)

WITH

CIVIL APPLICATION NO.2730 OF 2022 (Filing No.)

IN

SECOND APPEAL NO. 1 OF 2013

SALIM ABDUL REHAMAN

... Appellant

Versus

MARIA MENEZES AND 4 ORS.

... Respondents

Mr. Sudesh Usgaonkar and Ms. R. Pereira, Advocates for the Appellant.

Mr. C. A. Coutinho and Mr. I. Santimano, Advocates for the Respondents.

CORAM: M. S. SONAK, J.

DATED : 27th JANUARY 2023

P.C.:

1. The learned counsel for the parties hand in the consent terms which are taken on record and marked 'X' for identification. The consent terms have been signed by the Appellant Salim Abdul Rehaman who is present in the Court. He says that he has voluntarily signed these terms and he intends to abide by them. Salim Abdul Rehaman was informed of the consequences of not handing over the

vacant possession of the suit premises within four months from today as undertaken by him in the consent terms. He stated that he will hand over the possession of the suit premises to Respondent No.2 within four months.

2. Respondent Nos. 1 and 3 are reported to have expired. Therefore, the consent terms are signed by Respondent No.2 Miss Precila Menezes. She is present in the Court. She also states that she has signed these terms after understanding their scope and import.

3. The statement made by Salim Abdul Rehaman in these consent terms is accepted as an undertaking to this Court. His statement made before this Court that he will hand over the vacant and peaceful possession of the suit premises within four months from today to Respondent No.2 is also accepted as an undertaking to this Court.

4. The statement about revalidation of the Demand Draft and deposit of further amounts as stated in para 4 of the consent terms is also accepted as an undertaking to this Court. The consent terms are not opposed to public policy and therefore, there is no reason not to accept the same.

5. Accordingly, the consent terms are accepted. This Second Appeal is disposed of in terms of these consent terms. There shall be a

decree consistent with the consent terms. However, there shall be no order for costs.

6. The registry to return the Demand Draft dated 03.03.2021 to Ms. R. Pereira, learned counsel for the Appellant at the earliest so that the Appellant can revalidate the said draft or there can be a fresh draft within two weeks from today. The registry to also accept an additional draft for ₹1,15,000/- from the Appellant.

7. The Misc. Civil Application 776 of 2021 (F) is also disposed of with the disposal of Second Appeal No.1 of 2013.

8. The Civil Application No.2730 of 2022 (F) does not survive the disposal of the Second Appeal, and the same is disposed of accordingly.

M. S. SONAK, J.

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