

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NO. 11/2020
WITH
CIVIL APPLICATION NO.27/2020**

LEONARDO D'SOUZA AND
ANR.,

... Appellants.

Versus

MARCELINA D'SOUZA AND 8 ORS.,

... Respondents.

Ms S. Nagvenkar, Advocate for the Appellants.

Mr A.D. Bhobe, with Ms Annelise Fernandes, Advocates for the
Respondents No.1 and 2.

CORAM : M. S. SONAK, J.

DATE : 20th July 2023

ORAL ORDER :

1. The learned Counsel for the parties hand in consent terms, which are taken on record and marked as "X" for the purposes of identification.
2. The consent terms are signed by Mrs Marita Anna D'Souza-Appellant No.1(b) for self and as a power of attorney holder of Petitioner and legal representative of Petitioner No.1 vide power of attorney dated 24/10/2022. She is present in the Court and says that she has signed the consent terms after understanding their full scope and import.
3. The consent terms are also signed by Respondents No.1 and 2, who are present in the Court. They also state that they have signed

the consent terms after understanding their full scope and import. The parties have been identified by their respective Advocates.

4. The consent terms are also signed by Respondents No.3, 4 and 7. Again, these parties are present in the Court and they have been identified by Aadhar Card produced by them. Respondent No.7 is the attorney for Respondents No.8 and 9 vide power of attorney dated 24/3/2023. Even these Respondents state that they have signed the consent terms after understanding their full scope and import. Respondent No.6, who has put her thumb impression, is also present in the Court. She is 90 years old and she has been identified by her Aadhar Card number. Respondent No.7, who is Respondent No.6's daughter, has also identified her.

5. I have perused the consent terms and the same are found not to be opposed to public policy. There is no reason not to accept the consent terms, which are freely entered into by all the parties, after knowing their full scope and import.

6. The consent terms record that Respondent No.5 has been dropped.

7. Accordingly, the consent terms are accepted and Second Appeal is disposed of in terms of the consent terms.

8. Ms Nagvenkar, learned Counsel for the Appellants states that Demand Draft referred to in Clause 2 of the consent terms in an amount of ₹6.00 lakhs has already been handed over to Respondents No.1 and 2. Respondent No.1 and 2, who are present in the Court, acknowledge receipt of this Demand Draft.

9. The undertakings, if any, in the consent terms are accepted as undertakings to this Court and all parties to abide by them.
10. The Second Appeal is disposed of in terms of the above consent terms. Necessary decree to be drawn accordingly.
11. Misc. Civil Applications do not survive and they are also disposed of.

M. S. SONAK, J.

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