

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.94 OF 2018

VENANCIO ARAUJO (DEC)
THR. LRS.

... Petitioners

Versus

TOME @ THOMAS JACINTO
FRANSQUINO FERNANDES AND ANR.

... Respondents

Mr Jatin Ramaiya with Mr Prasad Kholkar, Advocates *for the Petitioners.*

Mr Sudin Usgaonkar, Senior Advocate with Mr M. Aguiar and Ms P. Naik, Advocates *for the Respondents.*

CORAM: M.S. SONAK, J.

DATED : 4th April 2024.

P.C.:

1. Mr Ramaiya, on instructions, seeks leave to delete Petitioner Nos.5 to 8. Accordingly, leave is granted to delete the said Petitioners from the cause list and these proceedings. Necessary amendment to be carried out forthwith.

2. Learned Counsel for the parties hand in Consent Terms which are taken on record and marked as 'X' for the purpose of identification. The Consent Terms have been signed by the present Petitioners i.e.

Petitioner Nos. 2, 3 and 4. Mr Kholkar has also signed the Consent Terms, identifying these Petitioners. The Petitioner Nos. 2 and 4 i.e. father and daughter are present. They state that Petitioner No.3 - Romaldinha, wife of Petitioner No.2 - Andre could not remain present because she is unwell. However, they confirm that Petitioner No.2 has signed these Consent Terms.

3. The Petitioners who are present in the Court state that they have signed these Consent Terms voluntarily and after understanding their full scope and import. They request the Court to make the orders based on these Consent Terms.

4. Similarly, the Consent Terms have been signed by Respondent No.1(a), who is the Power of Attorney holder on behalf of Respondent Nos.1(b), 1(c) and 2. A notarized copy of the Power of Attorney is also enclosed along with the Consent Terms.

5. The Respondent No.1(a) Mr Philip Fernandes is present in the Court. He says that he has signed these Consent Terms after understanding their full scope and import. He states that he has also explained the scope and import of these Consent Terms to Respondent Nos.1(b), 1(c) and 2 and these Consent Terms are signed with their approval and consent.

6. I have perused the Consent Terms. They are fair and equitable. There is nothing contrary to public policy contained therein. Accordingly, there is no ground not to accept these Consent Terms and

dispose of the Writ Petition based thereon.

7. The Consent Terms are accordingly accepted. There shall be an order in terms of the Consent Terms. The undertakings given by the parties in the Consent Terms are accepted as undertakings to this Court. The parties will have to comply with those undertakings.

8. Mr Usgaonkar, on behalf of the Respondents, hands in a demand draft on an amount of ₹1,37,500/- payable to Petitioner No.4, to Mr Ramaiya. Mr Ramaiya accepts the same on behalf of the 4th Petitioner. This petition is accordingly disposed of by accepting the Consent Terms. There shall be an order in terms of the Consent Terms. There shall be no order for costs.

9. All concerned to act on an authenticated copy of this order to which the Consent Terms and the Power of Attorney shall always be attached.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA

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FRANCISCO DSOUZA
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