

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.268 OF 2022

TUKARAM DSOUZA AND ANR

... PETITIONERS

Versus

BABUSO DSOZUA AND ANR

... RESPONDENTS

Ms A. Fernandes, Advocate for the Petitioners.

Mr Raviraj Chodankar, Advocate for Respondent Nos.1 and 2.

Mr Vasudev Shirodkar, Advocate for Respondent Nos. 3 to 18.

CORAM:- M. S. SONAK, J.

DATED :- 9th February, 2024

P.C.:

Ms A. Fernandes appears for the Petitioners, Mr R. Chodankar for Respondent Nos. 1 and 2 and Mr V. Shirodkar for Respondent Nos.3 to 18.

2. The learned counsel for the parties hand in the consent terms which are taken on record and marked as "X" for the purpose of identification.

3. The consent terms are signed by the Petitioners and the Respondents. The Petitioners and Respondents are identified by their Advocates who appear for them.

4. The parties and in some cases their power of attorney are present in the Court. Upon inquiring from them, they stated that they have signed the consent terms/put their thumb impressions after

understanding the scope and import. They stated that they are siblings and wish to end the disputes amicably.

5. On perusing the consent terms, the parties have basically settled their disputes concerning the common property. There are no clauses which can said to be opposed to the public policy in the consent terms.

6. One of the clauses relates to setting aside the impugned order dated 07.05.2022 in Civil Misc. Application No.51/2021. The parties have recorded that they have no objection to the construction/structures carried out by the Petitioners.

7. The parties have also agreed that the Regular Civil Appeal No.95/2018 instituted by Respondent Nos. 1 and 2 may be disposed of in terms of the present settlement recorded in these consent terms and a decree could be drawn to that effect.

8. The consent terms record that they are read over and explained to the parties in the local/Konkani language and they have understood the same. Even I have ascertained this position from the parties present.

9. Accordingly, these consent terms are accepted. This petition and the other disputes referred to in the consent terms are disposed of in terms of these consent terms. If these consent terms are to be placed in the Regular Civil Appeal No.95/2018 which is presently pending before the District Judge-1, North Goa, Panaji, the said Court should also dispose of the Regular Civil Appeal No.95/2018 based on these consent terms and this order.

10. The impugned order dated 07.05.2022 made by the learned District Judge-1, North Goa, Panaji, in Civil Misc. Application No.51/2021 is also set aside.

11. The settlement made and undertaking given in the consent terms are accepted as undertaking to this Court.

12. Based on the consent terms, a decree is directed to be drawn out in Regular Civil Appeal No.95/2018.

13. This petition is disposed of in the above terms without any order for costs.

14. This Court expressed its gratitude to the learned counsel for the parties and the parties settling their disputes amongst themselves amicably.

M. S. SONAK, J.

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH
Date: 2024.02.12 17:06:47 +05'30'