

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC.CIVIL APPLICATION NO.144 OF 2022
WITH
STAMP NUMBER MAIN NO.3839 OF 2018 (F)**

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ALCAPON MECCECEIO DA SILVA AND 3

ORS

... APPLICANTS

Versus

LEONCIO RAICAR AND ANR

... RESPONDENTS

**WITH
STAMP NUMBER MAIN NO.3839 OF 2018 (F)**

ALCAPON MECCECEIO DA SILVA AND 3

ORS

... APPELLANTS

Versus

LEONCIO RAICAR AND ANR

... RESPONDENTS

Mr Pavithran A.V. with Mr P. Kholkar, Advocates for the
Applicants/Appellants.

Ms Varsha Parab, Advocate for the Respondents.

CORAM:- M. S. SONAK, J.

DATED :- 5th April, 2024

P.C.:

Mr Pavithran appears for the applicants/appellants and Ms Varsha Parab for the respondents.

2. Misc. Civil Application seeking condonation of delay in instituting this appeal is allowed.

3. The learned Counsel hand in Consent Terms which are taken on record and marked as 'X' for purpose of identification.
4. The Consent Terms have been signed by appellant nos.1 and 3, i.e. Mr Alcapon Mecceceio Da Silva and Ms Alifa Da Silva. The first appellant is the Power of Attorney holder for appellant no.4 Ms Aloma Perpetual Da Silva. Similarly, the third appellant, i.e. Ms Alria Da Silva is the Power of Attorney holder for the second appellant Ms Alifa Da Silva.
5. The first and the third appellants are present in the Court. They say that they have signed these terms voluntarily and after understanding their full scope and import.
6. Similarly, the Consent Terms have been signed by respondent nos.1 and 2. Mr Leoncio Raicar, the first respondent is present in the Court and states that the second respondent is only his partner. He says that both of them have signed these Consent Terms voluntarily and after understanding their full scope and import.
7. On perusing the Consent Terms, I find nothing therein which could be said to be opposed to public policy. The parties have settled their dispute not only in this Appeal From Order but in Special Civil Suit No.22/2017/III pending in the Court of Senior Civil Judge at Margao, on terms which appear to be fair and honourable to both the parties.

8. The learned Counsel for the parties have also signed the Consent Terms to identify the respective parties whom they represent. The Power of Attorneys are also appended to the Consent Terms.

9. Accordingly, the Consent Terms are accepted. The undertakings contained in the Consent Terms are accepted as undertakings to this Court.

10. This appeal as also the Special Civil Suit No.22/2017/III are disposed of in terms of these Consent Terms. Ms Varsha Parab states that a formal application will be filed before the Civil Court for placing these Consent Terms and this order and for seeking withdrawal of Special Civil Suit No.22/2017/III. Based on the same, the Trial Court should formally dispose of Special Civil Suit No.22/2017/III and Misc. Civil Applications, if any in the said suit.

11. There shall be a decree in terms of this Consent Terms.

12. The appeal and the Special Civil Suit No.22/2017/III are disposed of in terms of the Consent Terms.

M. S. SONAK, J.

NITI KISHOR
HALDANKAR

Digitally signed by NITI
KISHOR HALDANKAR
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