



Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 34 OF 2002
WITH
CIVIL APPLICATION NO.207 OF 2002

Sitabai Rama Naik ... **Appellant**
Versus
Anusuya Nakul Naik. ... **Respondent**

WITH
CIVIL APPLICATION NO.207 OF 2002
IN
SECOND APPEAL NO. 34 OF 2002

Sitabai Rama Naik (dec.) And ... **Applicant**
Ors.
Versus
Anusuya Nakul Naik. ... **Respondent**

WITH
SECOND APPEAL NO. 29 OF 2007
WITH
CIVIL APPLICATION NO.47 OF 2007

Anusuya Nakul Naik And 4 Ors. ... **Appellants**
Versus
Sitabai Rama Naik (deceased)
represented by his LRs and 3 Ors. ... **Respondents.**

Mr. Sandesh D. Padiyar, Senior Advocate *with* **Mr Prayash P. Shirodkar** *and* **Ms Akshata Rane, Advocates** for the Appellant/Applicant in SA/34/2002 and for Respondent in SA/29/2007.

Ms Laxmi Sawant, Advocate for the Appellant/Applicant in SA/29/2007 and for the Respondent in SA/34/2002.

CORAM : BHARATI H. DANGRE, J.
DATED : 20th MARCH, 2025

P.C:

In continuation to the order dated 17.03.2025 with reference to the Court Commissioner's report dated 21.03.2023, learned Counsel for the Appellant in Second Appeal No.29/2007, categorically submit that she has no dispute about the fact that the property has been equally demarcated. She, however, insist and submit that the entry to the house of the Respondent is through the house of her client and this may pose some difficulty.

She would also submit that in the past there was a mutual arrangement between the parties to allow a 1mtr road for accessing the house of the Respondent.

2. As per the report of the Commissioner, which has already been placed on record, he has demarcated the boundaries and divided the property between both the Appellants as indicated in the plan, the long-drawn dispute between them deserve to be put to an end, with the expectation that whatever concern has been expressed by the learned Counsel for the Appellant in Appeal No.29/2007 shall be mutually resolved between the parties.

3. With the aforesaid observations, Second Appeal No.34/2002 as well as Second Appeal No.29/2007 are disposed of in the wake of the report of the Commissioner submitted to this Court on 21.03.2023.

4. In the wake of the disposal of the Appeals, all pending Civil Applications also stand disposed of.

BHARATI H. DANGRE, J.