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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.454 OF 2025

1. Ivo Noronha Andrade,
92 years of age,
son of late Antonio Procopio
de Quadros De Andrade, landlord,
Since deceased represented through
legal heirs
 - 1a. Mrs. Maria Julieta Gomes
da Costa Andrade
90 years of age (spouse)
Through her Power of Attorney Holder
Mr. Aires Andrade.
 - 1b. Mr. Aires Andrade
58 years of age (son)
Both residents of e- 354,
Near Sebastian Chapel,
Fontainhas, Panaji, Goa
- ... Petitioners.

Versus

1. Deputy Collector & SDO,
Sub Division Panaji,
Collectorate office building,
Panaji Goa.
2. The City Survey Officer,
Office of the City Survey,
Panaji, Goa
3. Government of Goa,
Through its Chief Secretary,
Secretariat,
Porvorim, Goa
4. Mr. Blasco Andrade
55 years of age (son)

Since deceased Represented by legal heirs

4 (i) Anisha D'souza Andrade (wife)

4(ii) Raina Andrade (daughter) 20years

4(iii) Tiana Andrade (daughter) 12 years
minor

Since represented by guardian mother

Anisha D'Souza,

All residents of 202 Church avenue,

Santa Cruz (w) Greater Mumbai,

Mumbai- Maharashtra.

5. Ms Lia Maria Lobo

55 years of age (daughter)

Resident of E- 354,

Near Sebastian Chapel,

Fontainhas, Panaji, Goa.

.... Respondents.

Mr Nigel Da Costa Frias, Advocate with Ms Maria Fernandes,
Advocate for the Petitioner.

Mr Geetesh Shetye, Additional Government Advocate for
Respondents No.1 to 3.

CORAM : VALMIKI MENEZES, J.

DATED : 25th NOVEMBER, 2025.

ORAL JUDGMENT:

1. After hearing the matter for some time, the learned Advocate, on instructions, submits that he would not press for the Petition insofar as it challenges the order dated 19.08.2025 dismissing the application for amendment of the plaint at

Exhibit D-81; he further submits, on instructions, that the Petition would not be pressed for and right be reserved to the Petitioner to challenge this order in the event that the final decree is decided against the Petitioner, and an Appeal is required to be filed. Consequently, the Petition stands dismissed insofar as the challenge to the order dated 19.08.2025 on Exhibit D-81 is concerned, in Civil Suit No.20/2018 before the District Judge-II at Panaji, reserving the right in the manner prayed for.

2. However, the order dated 19.08.2025 at Exhibit D-82 will have to be set aside for the following reasons. There is no doubt that relevancy, in some form, is required to be stated on the application itself. The cross-examination of the Plaintiff has now concluded, but was pending at the time this Petition was filed when the Petitioner was being cross-examined. The first document is a public document, which is a Correspondence Certificate dated 08.07.2025 issued by the

Survey Authorities comparing the suit property under Chalta No.157A(Part) and Chalta No.158(Part) of P.T. Sheet No.59 with the Old Cadastral Survey No.743 (Part), both of which are public documents. The document is obviously relevant for the Plaintiff to demonstrate that the new survey corresponds to the Cadastral Survey under which the original title of 1882, as pleaded in paragraph 3 of the plaint, is claimed. The document, being a public document issued by the Survey Authorities, would therefore not only be relevant but can be produced in evidence, subject to proof by the Authorities that issued the same.

3. Similarly, the Cadastral plan would be relevant for the same reason and may be produced on record by the Plaintiff since it would enable the signatory to the Correspondence Certificate to depose on the new Survey number corresponding to the Old Cadastral number, after the document is taken on record. The third document is a set of

photographs of the suit property with the newspaper held by Plaintiff 1(b), which would enable the Court to understand the state of the property, i.e. whether the property is contiguous to certain other properties which the Plaintiff claims are part of the original Revenue Order of 1882. These, of course, would be allowed to be produced in evidence subject to the Certificates under Section 65B of the Evidence Act and proof by production of the originals. The application at Exhibit D-82 is, therefore, allowed and to that extent, the impugned order dated 19.08.2025 on that Exhibit is quashed and set aside.

4. Rule is made absolute in the above terms. No costs.

VALMIKI MENEZES, J.