

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.434 OF 2021

1) Mr. Joaquim Pereira,
(Since deceased through legal heirs)

1a) Mrs. Anna Francisca De Souza Pereira,
70 years of age,
W/o. Joaquim Antonio Pereira,
Resident of House no. 75, Borimchem Bhat,
P. O. Caranzalim, Goa - 403 002.

1b) Mrs. Guilhermina Pereira,
53 years of age,
S/o Joaquim Antonio Pereira,
Resident of House no. 75, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

1c) Mr. Jose Leao Pereira,
50 years of age,
S/o. Joaquim Antonio Pereira,
Resident of House no. 75, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

1d) Mr. Celto Pereira (Dead)
Brother of Joaquim Antonio Pereira,

1e) Mrs. Maria Leopoldina Pereira,
71 years of age,
W/o. Mr. Clero Pereira,
Resident of House no. 75, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

1f) Miss. Fatima Pereira,
41 years of age,
D/o. Cleto Pereira,
Resident of House no. 75, Borimchem Bhat,
P.O. Caranzalim, Goa – 403 002. ... Petitioners

Versus

- 1) Keith Francis D'souza,
Major of age,
S/o. Shri. John Bosco D;souza,
Resident of House no. 364-A,
Marra, Pilerne,
P.O. Reis Magos, Bardez, Goa.
 - 2) The Settlement Officer,
The Director of Settlement and Land Records,
Office of Inspector of Survey and
Land Records, Panaji, Goa.
 - 3) The Attorney,
The Archdiocese of Goa,
Daman and Diu,
Altinho, Panaji, Goa.
 - 4) Mr. Nazareth Joseph Pereira,
Major of age,
S/o. Mr. Celto Pereira,
Resident of House no. 75, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.
 - 5) Mr. Teotonio Pereira,
Major of age,
S/o. Joaquim Pereira,
Resident of House no. 75, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.
- Deleted as
per order dated
25.04.2024

6) Mr. Frank Lazarus.
(since deceased through legal heirs),

6a) Mrs. Filomena Lazarus,
Major of age,
W/o. Frank Lazarus,
Resident of House no. 74, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

6b) Mr. Freddy Lazarus,
Major of age,
S/o. Frank Lazarus
Resident of House no. 74, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

6c) Mr. Terrence Lazarus,
Major of age,
S/o. Frank Lazarus
Resident of House no, 74, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

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6d) Mrs. Joanita Lazarus,
Major of age,
W/o. Terrance Lazarus,
Resident of House no. 74, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

6e) Mrs. Dorrem Lazarus,
Major of age,
D/o. Frank Lazarus
Resident of House no. 74, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

6f) Mrs. Shalet Lazarus,
Major of age,
Resident of House no, 74, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

6g) Mr. Roy Lazaurs,
Major of age,
Resident of House no. 74, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

7) John Fernandes,
(Since deceased through legal heirs)

7a) Mrs. Magdelina Fernandes,
Major of age,
W/o. John Fernandes,
Resident of House no. 75, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

7b) Mr. Hipolito Fernandes,
Major of age,
Resident of House no. 76, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

7c) Mrs. Carolina Po,
Major of age,
D/o. John Fernandes,
Resident of Mintra Bazaar, Caranzalim, Goa.

7d) Mrs. Dimmy Fernandes,
Major of age,
D/o. John Fernandes,
Resident of House no. 76, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

7e) Mr. Santan Fernandes,
Major of age,
S/o. John Fernandes,
Resident of House no. 76, Borimchem Bhat,
P.O. Caranzalim, Goa - 403 002.

8) Marina D'Mello,
Major of age,
Resident of Parma Plaza, Block A,

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25.04.2024

Flat no. 11, 2nd floor,
S. No. 14/17, Fatima nagar,
Wanowarie, Pune- 40.

9) Alex John Ferrao,
Major of age,
Resident of Parma Plaza, Block A,
Flat no. 11, 2nd floor,
S. No. 14/17, Fatima nagar,
Wanowarie, Pune - 40.

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... Respondents

Ms N. Mayekar, Advocate *for the Petitioners*.

Mr Vilas Pavithran with Mr Pancham Phadte, Advocates *for Respondent No.1*.

Respondent No.1 Keith Francis D'souza present.

Mr Jose Leao Pereira, Power of Attorney for the Petitioners and Respondent No.5 present.

CORAM: VALMIKI MENEZES, J.

DATED: 25th April 2024

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith at the request of and with the consent of the learned Counsel for the parties.

2. The Petitioners and Respondent Nos.1 and 5 have filed consent terms dated 25.04.2024 settling the dispute in the matter. The same is taken on record and marked 'X' for identification. According to Clause 11 of the consent terms, the Petitioners seek leave of the Court to delete Respondent Nos.2, 3, 4, 6, 7, 8 and 9. At the risk of the Petitioners, Respondent Nos.2, 3, 4, 6, 7, 8 and 9 are hereby deleted from this petition. Amendment to the cause title to reflect deletion of the names of these Respondents to be

carried out forthwith.

3. The Petitioners are represented by their Attorney Jose Leao Pereira who was constituted by a Power of Attorney executed on 27.12.2021 which is annexed to the consent terms. The said Jose Leao Pereira also represents Respondent No.5 by Power of Attorney executed on 16.09.2021 which is also annexed to the consent terms. The Powers of Attorney contain the necessary powers to compromise and settle this matter.

4. Mr Jose Leao Pereira is present in the Court today and ascertains that he has read and understood the contents of the consent terms and on instructions of his principals namely the Petitioners and Respondent No.5 has executed these consent terms.

5. Respondent No.1 Keith Francis D'souza is present in the Court and also states that he has gone through the consent terms and has executed the same by affixing his signature after understanding the terms.

Both the consenting parties have accepted the terms and have executed the same without any coercion and of their free will. After examining the consent terms, I do not find that they are contrary to any law followed and otherwise appear to be fair to both parties.

6. In terms of the consent terms, the demarcation order dated 17.05.2018 passed by the Deputy Collector and Sub-Divisional Officer at Panaji in Case No.LRC/DEM/TIS/12/2015 confirmed by the Administrative Tribunal by its order dated 08.01.2020 passed in Land Revenue Appeal No.29/2018 stands confirmed by these consent terms.

7. Accordingly, the petition stands disposed of in terms of the consent terms. Rule is made absolute in terms of the consent terms taken on record. The petition is disposed of in the above terms.

VALMIKI MENEZES, J.

JOSE
FRANCISCO
DSOUZA

Digital signature: 2024
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