

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1718 OF 2012

Mrs. Maria Felicia Sequeira & Ors. ... Plaintiffs

Versus

Dr. Feroze Homi Duggan and Anr. ... Defendants

Mr.R.S. Tripathi i/b. N.Y. Chavan for the Plaintiffs.

Mr.Shailesh Shah, Sr.Adv. a/w. Mr. Prakash Ganwani, Ms. Soniya Putta,
Mr. S. Shah i/b. M/s. Solomon and Company for Defendant No. 1.

Mr.Sharan Jagtiani a/w. Mr. Kiran Jain, Mr. Ish Jain i/b. Kiran Jain and
Company for Defendant No. 2.

CORAM : S.J. KATHAWALLA, J.
DATED : 30TH JULY, 2015

P.C.:

DOCUMENTS RELIED ON BY PW 1

1. The Plaintiffs have filed an Affidavit of Evidence dated 8th April, 2014, of Mr. Sebastian Joseph Sequeira (PW-1). The same is taken on record. The Plaintiffs have also filed a Compilation of Documents, which includes originals and certified copies as indicated. The Index of the same is marked as 'A'. There are 23 documents listed in the said Index and the said documents are marked as under :

1.1. In view of the deposition of Mr. Sequeira in paragraph 5 of the Affidavit of Evidence, the documents at Serial No. 1, namely, three birth certificates issued in the years 2012, 1996 and 1991 stated by the

Plaintiffs to be the birth certificates of Mr. John Mariano Bernadino Sequeira, are marked as **Exhibits-'P-1' to 'P-3'**, respectively.

1.2. In view of the deposition of Mr. Sequeira in paragraph 6 of the Affidavit of Evidence, the documents at Serial No. 2, namely, Church Marriage Certificate and registered Marriage Certificate of Plaintiff No. 1 are marked as **Exhibits-'P-4' & 'P-5'**, respectively.

1.3. In view of the deposition of Mr. Sequeira in paragraph 7 of the Affidavit of Evidence, the documents at Serial No. 3, namely, extracts of voters for the years 1960 to 1964 and 1967 to 1972 are marked as **Exhibits-'P-6' & 'P-7'**, respectively.

1.4. In view of the deposition of Mr. Sequeira in paragraph 7 of the Affidavit of Evidence, the documents at Serial No. 4, namely, the Conveyance No. 229 of 1948 of building 'East Castle' are marked as **Exhibit-'P-8'**, collectively.

1.5. In view of the deposition of Mr. Sequeira in paragraph 8 of the Affidavit of Evidence, the documents at Serial No. 5, namely, the 1995 voter's ID card of John Mariano Bernadino Sequeira and the 1995 voter's ID card of Plaintiff No. 1 are marked as **Exhibits-'P-9' & 'P-10'**, respectively.

1.6. In view of the deposition of Mr. Sequeira in paragraph 9 of the Affidavit of Evidence, the documents at Serial No. 6, namely, two death certificates issued in the name of Mr. John Mariano Bernadino Sequeira

are marked as **Exhibits-'P-11' & 'P-12'**, respectively.

1.7. In view of the deposition of Mr. Sequeira in paragraph 10 of the Affidavit of Evidence, the documents at Serial No. 7, namely, the Goa Registry Birth Certificate and Church Baptism Certificate of Plaintiff No. 2 are marked as **Exhibits-'P-13' & 'P-14'**, respectively.

1.8. In view of the deposition of Mr. Sequeira in paragraph 11 of the Affidavit of Evidence, the documents at Serial No. 8, namely, the Municipal Birth Certificate and Church Baptism Certificate of Plaintiff No. 3 are marked as **Exhibits-'P-15' & 'P-16'**, respectively.

1.9. In view of the deposition of Mr. Sequeira in paragraph 18 of the Affidavit of Evidence, the documents at Serial No. 9, namely, the original payment receipt dated 17th June, 2011, certified copies of Document Nos. 3428 of 1949 and 3573 of 1949 are marked as **Exhibits-'P-17' to 'P-19'**, respectively.

1.10. In view of the deposition of Mr. Sequeira in paragraph 20 of the Affidavit of Evidence, the documents at Serial No. 10, namely, the original payment receipt dated 24th June, 2011, and certified copy of document No. 2710 of 1930 are marked as **Exhibits-'P-20' & 'P-21'**, respectively.

1.11. In view of the deposition of Mr. Sequeira in paragraph 21 of the Affidavit of Evidence, the documents at Serial No. 11, namely, the original payment receipts dated 22nd February, 2012 and certified copy of

document No. 420 of 1956 are marked as **Exhibits-'P-22' & 'P-23'**, respectively.

2. Place the Suit for cross examination of PW 1 on 20th August, 2014 at 3 p.m.

(S.J. KATHAWALLA, J.)