



IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEALS NOS.42 AND 43 OF 2008

MR. VICTOR MONTEIRO REPRESENTED
BY ATTORNEY ANSLEM RAJESH
MONTEIRO AND ANR.

.... Appellants

V/S

MRS. SEBASTIANA MONTEIRO
AND 13 ORS.

.... Respondents

Shri S.D. Lotlikar, Senior Advocate with Ms. S. Pai Kir, Advocate
for the Appellants.

Shri D. Pangam, Advocate for the Respondents.

CORAM : F.M. REIS, J.

DATE : 14th September, 2011

P.C.:

Heard Shri S.D. Lotlikar, the learned Senior Counsel
appearing for the appellants and Shri Pangam, the learned Counsel
appearing for the respondents.

2. Admit on the following substantial questions of law:

I. Whether, the First Appellate Court has
misconstrued the document of title viz. the Sale
Deed dated 26/06/1909, overlooking the fact,
that it was a document more than 30 years old?

II. Whether, the First Appellate Court could
have dismissed in Toto, the Suit instituted by
the Appellants, when it was not undisputed that



the house bearing No.53G situated in Survey No.80/39 belonged to the Plaintiffs and the Defendants, lay no claim thereto?

III. Whether, in the absence of any title document being produced by either of the parties in relation to the 2nd Suit property, the Suit was liable to be decided on the basis of possessory title, and the Plaintiffs' Suit could not be dismissed, merely by recording a finding that the Plaintiffs had failed to establish adverse possession?

F.M. REIS, J.

NH/-