



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NO.32 OF 2024

ROMEO DCOSTA

... APPELLANT

Versus

REMY PINTO AND 20 ORS

... RESPONDENTS

Mr. Joaquim Godinho, Advocate for the Appellant.

CORAM:- M. S. KARNIK, J.

DATED :- 12th July, 2024

P.C.

Heard learned Counsel Shri Godinho for the Appellant.

2. The Appeal is admitted, on the following substantial questions of law :

(i) Whether the findings of the Courts below as to the identity of the property is in the teeth of the specific description of the suit property stated at paragraph 2 of the plaint, which is admitted in the written statement by the Defendant nos. 1 and 2 ?

(ii) In view of the specific admission of Defendant no. 2 in RCS No. 136/78, the suit property belongs to the Plaintiff and, as such, when the Plaintiff is in the possession of the suit property, the Courts

below ought to have proceeded on the footing that the appellant is in possession and enjoyment of the suit property ?

(iii) Whether in view of the pleadings in RCS No. 176/78 filed by the Original Defendant No. 1 and 2 admitting and accepting the ownership and possession by the Appellant, the Courts below ought to have decreed the suit ?

M. S. KARNIK, J.