

IN THE HIGH COURT OF BOMBAY AT GOA.
SECOND APPEAL NOS. 105 OF 2007 AND 19 OF 2008.

Second Appeal No. 105 of 2007.

Mr. Hipolito Teofilo De
Braga Ferrao and 2 ors.Appellants.

Vs.

Luisa Gareia De Santos
Dias and 2 ors.Respondents.

Mr. M. P. Almeida, Advocate for the appellants.

Mrs. A. Agni, Advocate for the respondent nos. 1 to 4.

None for other respondents though served.

WITH

Second Appeal No. 19 of 2008.

Mr. Sitaram Krishna Raikar
(expired) through LR's & 3 ors.Appellants.

Vs.

Garcia Dos Santos F. Balion
Dias (expired) through LR's & anr.Respondents.

Mr. S. D. Lotlikar Senior Advocate with Ms. S. Pai Kir, Advocate for
the appellants.

Mrs. A. Agni, Advocate for the respondent nos. 1(i) to 1(iv).

None for other respondents though served.

Coram:-A. P. LAVANDE,J

Dated -2nd August, 2011.

ORDER

Heard Mr. M. P. Almeida, learned Advocate for the appellants in Second Appeal No. 105/2007, Mr. S. D. Lotlikar learned Senior Advocate for the appellants in Second Appeal No. 19/2008, Mrs. A. Agni, learned Advocate for the respondent nos. 1 to 4 in Second Appeal No.105/2007 and for respondent nos. 1(i) to 1(iv) in Second Appeal No. 19/2008. None for other respondents though served.

2. Both these appeals arise out of Judgment and decree dated 4.5.2007 passed by the Ad-hoc District Judge-II, South Goa, Margao, in Regular Civil Appeal No. 107/2003.

3. Both these appeals are admitted on the following substantial questions of law:-

i. Whether the finding recorded by the lower appellate Court regarding non-existence of oral agreement between the parties relating to vacation of the suit premises is perverse?

ii. Whether in the facts and circumstances of the case, provisions of decree no. 43545 which came into force on 7.3.1961 were applicable and the appellants were entitled to reoccupation of the premises in the new building in terms of the said decree?

4. Mrs. A. Agni, learned Advocate waives notice for the respondent nos. 1 to 4 in Second Appeal No.105/2007 and for respondent nos. 1(i) to 1(iv) in Second Appeal No. 19/2008.

5. Considering that both the Second Appeals arise out of the suit filed in the year 1965, the hearing of both these appeals is expedited.

A. P. Lavande, J.

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