



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 2 OF 2025

MARIA RITA FERNANDES & 4 OTHERS

... APPELLANTS

~ VERSUS ~

CHINGLU PADHU BAVDANE & 3 OTHERS

... RESPONDENTS

APPEARANCES:

for the Appellants

*Mr. Nigel Costa da Frias with Mr.
Vineet Surlakar, Ms. Maria Fernandes
and Mr. Vishal Sawant*

for Respondent Nos. 1 and 2

*Mr. R.G. Ramani, Senior Advocate with
Mr. Vinayak Nevrekar*

CORAM : AMIT S. JAMSANDEKAR, J.

DATED : 8th MAY 2026

P.C:

1. Heard the learned Counsel for the Appellants.
2. **Admit** on the following substantial questions of law:

A. Whether the Learned District Judge failed to appreciate that the judgments of declaration of

tenancy obtained by the Respondents, which were passed by the Mamlatdar of Sanguem are not binding on the Appellants as they were not parties to the said proceedings.

B. Whether the finding of the Learned District Judge that the Judgment in Regular Civil Suit No. 10/2008 would operate as *res-judicata* against the Appellants is contrary to law in as much as the Appellants were not parties to the said Civil Suit nor did the Plaintiffs in the said Suit represent their interest.

C. Whether the Learned District Judge failed to consider the presumption of correctness that arises as regards the entries in the survey revenue records under Section 105 of the Goa Land Revenue Code, 1968, which in the present case, is the entry of the name of Shri Late Benedito Da Costa as Lessee of the suit property. Mr. Nevrekar waives service on behalf of Respondent Nos. 1 and 2.

3. Issue notice after admission to Respondent Nos. 3 and 4, returnable on **10th July 2026**.
4. It is clarified that it shall always be open to the Respondents to contend, in view of Section 100 (5) of the CPC, that no substantial questions of law

arise in the present Appeal having regard to the facts and circumstances of
No other notices shall be given to the parties, who shall all depute their
Officers/Representatives on the site at the date and time fixed by this
Court.

[AMIT S. JAMSANDEKAR, J.]