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S. Chinnappa
Superintendent



Exh. A/11

Suit presented on : 16.08.2021
 Suit Registered on: 16.08.2021
 Suit disposed on : 06.10.2021

IN THE COURT OF THE AD-HOC SENIOR CIVIL JUDGE, 'A' COURT,
 MAPUSA, GOA.

(Before Ms. Shilpa Pandit, Ad-hoc Civil Judge, Senior
 Division, 'A' Court at Mapusa)

Special Civil Suit No. 41/2021/C/A

MRS. RAKHI SANDEEP SALGAONKAR.
 Wife of Mr. Sandeep Salgaonkar,
 Aged about 48 years, married,
 Indian National and Residing at
 H. No.926/1, Near State Bank of India,
 Alto Torda, Salvador-Do-Mundo,
 Bardez-Goa.

....Plaintiff.

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V/s

1. MIDORI CREATORS AND DEVELOPERS,
Partnership Firm constituted
under Indian Partnership Act,
Having its Office at Ground Level, Muskan Villa,
Plot No.135, Sector 12, Vashi, Navi Mumbai, 400703.
2. MR. UMESH MANOHARLAL CHAWLA,
Son of late Shri. Manoharlal Chawla,
60 years of age, married, in business,
3. MR. KARAN UMESH CHAWLA,
Son of Mr. Umesh Manoharlal Chawla,
Aged about 31 years, married, in business,

Both sole Partners of
MIDORI CREATORS AND DEVELOPERS.
Both Indian Nationals and Residing at Flat No.3,
Muskan Villa, Plot No.135, Sector 12,
Vashi, Navi Mumbai,
Maharashtra 400703.

...Defendants.



CONSENT DECREE

This is a suit for Declaration, Partition and perpetual injunction under Section 34 and 38 of Specific Relief Act, 1963, filed by the plaintiff against the Defendants praying that:

- a) This Hon'ble Court be pleased to pass Judgment, Order and Decree of Partition of said property in terms of partition plan prepared by Engineer Baligar Santosh showing partition/division of said property into two plots viz Plot



A admeasuring/having an area of 3795 square meters and Plot B admeasuring/having an area of 3205 square meters.

b) This Hon'ble Court be pleased to pass Judgment, Order and Decree thereby allotting in favor of the Plaintiff Plot B, admeasuring/having an area of 3205 square meters, alongwith structure/house having an area of 80 square meters bearing House no. 199/1, forming part of immovable property known as "BAMON VADO" situated within the limits of Village Penha-de-franca, Taluka of Bardez, North Goa District, state of Goa and Surveyed in the Survey Records under Survey No. 186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa in terms of partition plan prepared by Engineer Baligar Santosh.

c) This Hon'ble Court be pleased to pass Judgment, Order and Decree thereby allotting in favor of the defendant No. 1, Plot A, admeasuring/having an area of 3795 square meters, froming part of immovable property known as "BAMON VADO" situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the survey Records under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa in terms of partition plan prepared by Engineer Baligar Santosh.

d) This Hon'ble Court be pleased to pass Judgment, Order

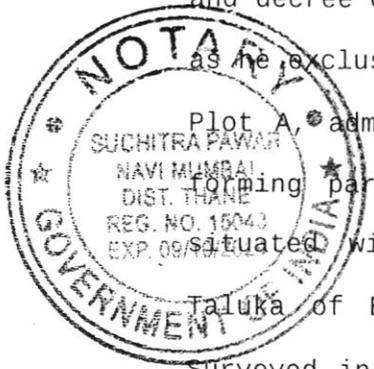


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and Decree of declaration thereby declaring Plaintiff as the exclusive, absolute and lawful owner in possession of Plot B, admeasuring/having an area of 3205 square meters, along with structure/house having an area of 80 square meters bearing House No, 199/1, forming part of immovable property known as "BAMON VADO" situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the survey Records under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa in terms of partion prepared by Engineer Baligar Santosh.

e) This Hon'ble Court be pleased to pass Judgment, Order and decree of declaration thereby declaring Defendant No. 1



as the exclusive, absolute and lawful owner in possession of Plot A, admeasuring/having an area of 3795 square meters, forming part of immovable property know as 'BAMON VADO" situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the Survey Records under Survey No. 186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa, in terms of Partition plan prepared by Engineer Baligar Santosh.

f) This Hon'ble Court be pleased to pass Judgment, Order and decree thereby perpetually restraining Defendants from interfering with and/or claiming any right of whatsoever



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nature of Plot B, admeasuring/having an area of 3205 square meters, alongwith structure/house having an area of 80 square meters bearing House No. 199/1, forming part of immovable property known as "Bamon Vado", Situated within the limits of Village Penaha-de-Franca, Taluka of Bardez North Goa District, State of Goa and Surveyed in the Survey Records under Survey No. 186/11 of Village Penha-De-Franca Taluka of Bardez-Goa, Taluka of Bardez-Goa.



This suit coming on this day for final disposal before Ms. Shilpa Pandit, Ad-hoc Senior Civil Judge, 'A' Court, Mapusa, Goa, in the presence of Learned Advocate S. Redkar present for the Plaintiff. Learned Advocate Ms. R. Parab present for Defendants. *It is Ordered that, Accepted.*

The following consent terms are as under:-

- 1 The Plaintiff has filed above Suit against the Defendants for reliefs of Declaration, Partition and Perpetual Injunction with respect to **SAID PROPERTY** i.e. Property Surveyed under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa, admeasuring an area of 7000 square meters along with structure existing therein having an area of 80 square meters, bearing House No.199/1 and which property is neither described in Land Registration Office nor enrolled in any Taluka Revenue Office for Matriz Records and having Planta No.11967.

2 Description of **SAID PROPERTY** is as under:

"**ALL THAT** immovable property known as "**BAMON VADO**", situated within the limits of Village Penha-de-Franca, Taluka and Sub-District of Bardez, North Goa District, State of Goa and Surveyed in the Survey Records under Survey No.186/11 of Village Penha-De-Franca, admeasuring an area of 7000 square meters along with structure existing therein having an area of 80 square meters, bearing House No.199/1 and which property is neither described in Land Registration Office nor enrolled in any Taluka Revenue Office for Matriz Records and having Planta No.11967 and which Property forms part of **SAID ENTIRE PROPERTY**".

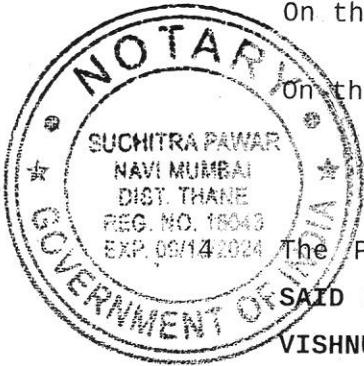
3 **SAID PROPERTY** is bounded as under:

On the North : By Road.

On the South : By Property Surveyed under Survey No.187/1, 187/2, 186/7, 186/12 till 186/16.

On the East : By Property Surveyed under Survey No.188 and 187/3.

On the West : By property Surveyed under Survey No.186/2.



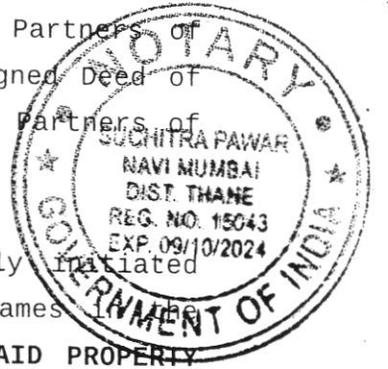
The Plaintiff and Defendant No.1, jointly purchased **SAID PROPERTY** along with **SAID HOUSE** from **MR. DATTARAM VISHNU SALGAONKAR** and his wife **MRS. DEVAKI DATTARAM SALGAONKAR**, vide Deed of Sale dated 17/06/2021 and which Deed of Sale stands duly registered in the Office of Sub-Registrar of Bardez-Goa in Book 1 document, Registration Number:BRZ-1-2167-2021, Document Serial No.2021-BRZ-2230, dated 18/06/2021.





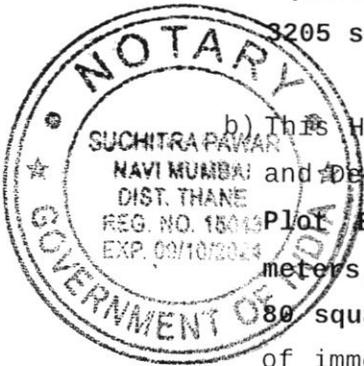
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- 5 Pursuant to Deed of Sale dated 17/06/2021, Plaintiff and Defendant No.1 became the joint owners and/or co-owners in joint possession and occupation of SAID PROPERTY along with SAID HOUSE.
- 6 The Defendant No.2 and 3 are the sole Partners of Defendant No.1 and both of them have signed Deed of Sale dated 17/06/2021 in the capacity of Partners of Defendant No.1.
- 7 The Plaintiff and Defendant No.1 jointly initiated Mutation Proceedings to include their names Occupant Column of Form I and XIV of SAID PROPERTY i.e. in Survey No.186/11 of Village Penha-de-Franca, Taluka of Bardez-Goa and to delete the name of MR. DATTARAM VISHNU SALGAONKAR from the Occupant Column of Form I and XIV of SAID PROPERTY and which Mutation Application came to be allowed and accordingly name of Plaintiff and Defendant No.1 came to be recorded in the Occupant Column of Form I and XIV of Survey No.186/11 of Village Penha-de-Franca, Taluka of Bardez-Goa and name of MR. DATTARAM VISHNU SALGAONKAR came to be deleted from the Occupant Column of Form I and XIV of Survey No.186/11 of Village Penha-de-Franca, Taluka of Bardez-Goa.
- 8 Before purchase of SAID PROPERTY along with SAID HOUSE, it was mutually decided and agreed by the Plaintiff and Defendant No.1 that Plaintiff shall have an undivided right of 3205 square meters in SAID PROPERTY and Defendant No.1 shall have an undivided right of 3795 square meters in SAID PROPERTY.



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- 9 In Deed of Sale dated 17/06/2021, Plaintiff herein is the Purchaser No.2 whereas Defendant No.1 is the Purchaser No.1 respectively.
- 10 In the Deed of Sale dated 17/06/2021, it has been clearly mentioned that "It is expressly agreed between **THE PURCHASERS** that **THE PURCHASER NO.1** (Defendant No.1 herein) shall have an undivided right of **3795 square meters** in **SAID PROPERTY** and **THE PURCHASER NO.2** (Plaintiff herein) shall have an undivided right of **3205 square meters** in **SAID PROPERTY**".
- 11 The reliefs sought by the Plaintiff in the above Suit are as under:
- a) This Hon'ble Court be pleased to pass Judgment, Order and Decree of Partition of **SAID PROPERTY** in terms of partition plan prepared by Engineer Baligar Santosh showing partition/division of **SAID PROPERTY** into two plots viz. **Plot A** admeasuring/having an area of **3795 square meters** and **Plot B** admeasuring/having an area of **3205 square meters**.
- b) This Hon'ble Court be pleased to pass Judgment, Order and Decree thereby allotting in favor of the Plaintiff **Plot B**, admeasuring/having an area of **3205 square meters**, along with structure/house having an area of **80 square meters** bearing House No.199/1, forming part of immovable property known as "**BAMON VADO**", situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the Survey Records under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa, in terms of partition plan prepared by Engineer Baligar Santosh.





c) This Hon'ble Court be pleased to pass Judgment, Order and Decree thereby allotting in favor of the Defendant No.1, **Plot A**, admeasuring/having an **area of 3795 square meters**, forming part of immovable property known as "**BAMON VADO**", situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the Survey Records under Survey No.186/11 of Village Penha-de-Franca, Taluka of Bardez-Goa, in terms of partition plan prepared by Engineer Baligar Santosh.



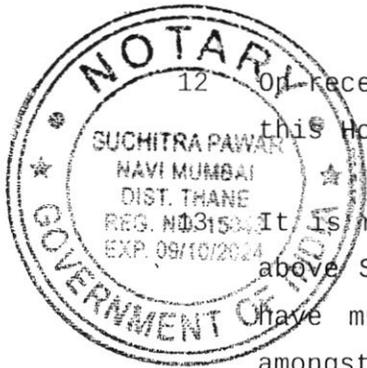
d) This Hon'ble Court be pleased to pass Judgment, Order and Decree of declaration thereby declaring Plaintiff as the exclusive, absolute and lawful owner in possession of **Plot B**, admeasuring/having an **area of 3205 square meters**, along with **structure/house having an area of 80 square meters bearing House No.199/1**, forming part of immovable property known as "**BAMON VADO**", situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the Survey Records under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa, in terms of partition plan prepared by Engineer Baligar Santosh.



e) This Hon'ble Court be pleased to pass Judgment, Order and Decree of declaration thereby declaring Defendant No.1 as the exclusive, absolute and lawful owner in possession of **Plot A**, admeasuring/having an **area of 3795 square meters**, forming part of immovable property known as "**BAMON VADO**", situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the Survey

Records under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa, in terms of partition plan prepared by Engineer Baligar Santosh.

- f) This Hon'ble Court be pleased to pass Judgment, Order and Decree thereby Perpetually restraining Defendants from interfering with and/or claiming any right of whatsoever nature in **Plot B**, admeasuring/having an area of **3205 square meters**, along with structure/house having an area of **80 square meters bearing House No.199/1**, forming part of immovable property known as "**BAMON VADO**", situated within the limits of Village Penha-de-Franca, Taluka of Bardez, North Goa District, State of Goa and Surveyed in the Survey Records under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa, Taluka of Bardez-Goa.



On receipt of Summons, Defendants duly appeared before this Hon'ble Court.

It is respectfully stated that during the pendency of above Suit for adjudication, Plaintiff and Defendants have mutually agreed to settle the issues amicably amongst themselves once for all.

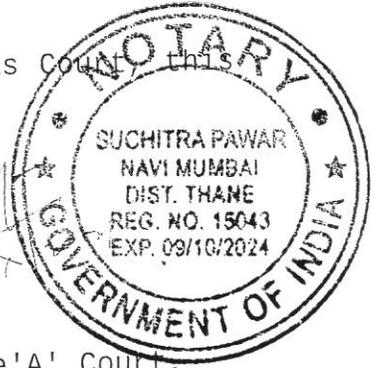
- 14 It is respectfully stated that Plaintiff and Defendants have amicably settled all the issues between them once for all with respect to **SAID PROPERTY** i.e. Property Surveyed under Survey No.186/11 of Village Penha-De-Franca, Taluka of Bardez-Goa, admeasuring an area of 7000 square meters along with structure existing therein having an area of 80 square meters, bearing House No.199/1.





15 The Plaintiff and Defendant No.1 agreed to Partition the SAID PROPERTY in terms of partition plan prepared by Engineer Baligar Santosh showing partition/division of SAID PROPERTY into two plots viz. "Plot A" admeasuring/having an area of 3795 square meters and "Plot B" admeasuring/having an area of 3205 square meters.

Given under my hand and the Seal of this Court, this 6th October, 2021.



(Shilpa Pandit)
Ad-hoc Senior Civil Judge 'A' Court,
Mapusa, Goa.



Prepared by :- SC
UDC

Checked by :-

Advocate for the Plaintiff

Advocate for the Defendants

ATTESTED BY ME

SUCHITRA PAWAR
ADV. & NOTARY PUBLIC
6S-Type, Office No. 223, Xerox Lane,
Sector-2, Vashi, Navi Mumbai
Mob: 987947377

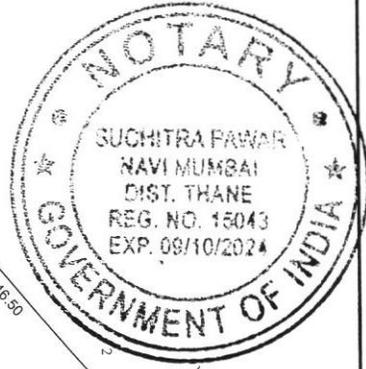
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Superintendent/Head Clerk
Senior Civil Judge & J.M.F.C.
Mapusa-Goa

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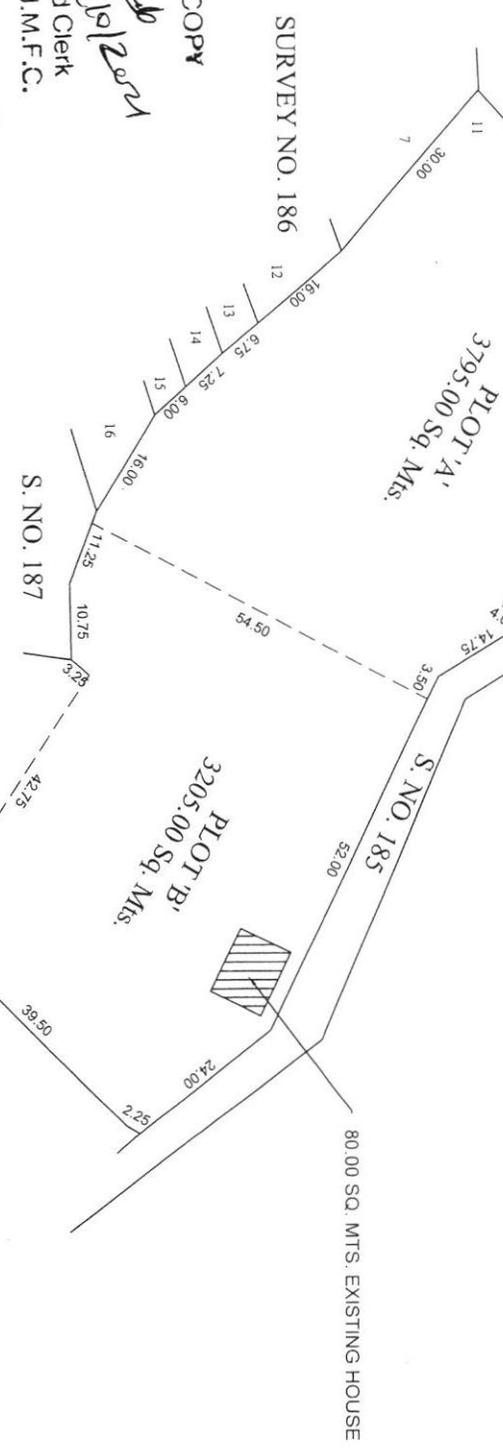


SCALE : 1 : 1000



SITE PLAN
SHOWING PLOT 'A' & PLOT 'B' IN PLOT
BEARING SURVEY NO. 186 / 11 OF PENHA DE
FRANCE VILLAGE OF BARDEZ TALUKA GOA.

PLOT 'A' HAVING AREA = 3795.00 Sq. Mts.
PLOT 'B' HAVING AREA = 3205.00 Sq. Mts.
TOTAL AREA = 7000.00 Sq. Mts.



CERTIFIED TRUE COPY

[Signature]
Superintendent/Head Clerk
Senior Civil Judge & J.M.F.C.
Mapusa-Goa



[Signature]
For MIDORI CREATORS & DEVELOPERS
Partner

[Signature]
For MIDORI CREATORS & DEVELOPERS
Partner

BARDEZ TALUKA
GOA
S. NO. 186 / 11 OF PENHA DE
FRANCE VILLAGE OF BARDEZ
TALUKA GOA

