

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1868 OF 1998

Shri Mona Maryan Pirel (since deceased)
Through her legal heirs
Smt. Carmel Nazareth Pereira
also since deceased
through her beneficiary
under the Will Our Lady of Sea Church,
Uttan a Trust registered under
B.P.T. Act, 1950 bearing No.D/18,
Thane, and having its registered office at
Our Lady of the Sea Church,
Uttan at Bhayander (West), Tal & Dist Thane,
though its Trustee

... Petitioners

Versus

Smt. Viola Mary Gonsalves (since deceased)
by her legal heirs & representatives
1. Wenceaslaus Vincent Gonsalves (also since
deceased through his legal heirs)
2. Clovis Vincent Gonsalves
3. Wilbur Joseph Gonsalves
4. Michelia Sampay
5. Karen D'Mello
6. Myran Gonsalves

All residing at Hill Dream, 27 Pali Mala Road,
Bandra (West) Mumbai 400050

... Respondents

WITH

WRIT PETITION NO. 1869 OF 1998

(Not on board, taken on board)

Shri Mona Maryan Pirel (since deceased)
Through her legal heirs
Smt. Carmel Nazareth Pereira
also since deceased
through her beneficiary
under the Will Our Lady of Sea Church,
Uttan a Trust registered under
B.P.T. Act, 1950 bearing No.D/18,

Thane, and having its registered office at
Our Lady of the Sea Church,
Uttan at Bhayander (West), Tal & Dist Thane,
though its Trustee

... Petitioners

Versus

Smt. Viola Mary Gonsalves (since deceased)
by her legal heirs & representatives

1. Wenceaslaus Vincent Gonsalves (also since deceased through his legal heirs)
2. Clovis Vincent Gonsalves
3. Wilbur Joseph Gonsalves
4. Michelia Sampay
5. Karen D'Mello
6. Myran Gonsalves

All residing at Hill Dream, 27 Pali Mala Road,
Bandra (West) Mumbai 400050

... Respondents

Mr. A. J. Almeida a/w Mr. Anil D'souza a/w Mr. Ernest Tuscano for the Applicant / Petitioner in IA/16920/2022 in WP/1869/1998.
Mr. A. J. Almeida a/w Mr. Anil D'souza a/w Mr. Ernest Tuscano for the Applicant / Petitioner in IA/17090/2022 in WP/1868/1998.
Mr. Saeed Akhtar a/w Mr. Hamza Shaikh for the Respondents in both Writ Petitions.

Mr. Leslie Domnic Malya, Trustee of Petitioner Trust, present.
Clovis Vincent Gonsalves, Respondent No.2 present.
Wilbur Joseph Gonsalves, Respondent No.3 present.
Michelia Sampay, Respondent No.4 present.
Karen D'Mello, Respondent No.5 present.
Myran Gonsalves, Respondent No.6 present.

CORAM : M.M. SATHAYE, J.

DATE : 01 OCTOBER, 2026

P.C. :

1. Learned Advocates for the parties have jointly tendered the Consent Terms dated 01.10.2026 (pages 1 to 26, including annexure I, notarized true copy of power of attorney and copies of identity cards). The same is taken on record and marked as 'X' Colly for

identification. The Consent Terms are executed as common Consent Terms in both the Writ Petitions.

2. The Consent Terms are signed by the Sole Trustee of the Petitioner Trust namely “Our Lady of Sea Church, Uttan” and its Advocate. The Consent Terms are also signed by Respondent Nos.2 to 6 and their Advocate.

3. The Consent Terms are accompanied by an notarized True Copy of the General Power of Attorney executed by Respondent No.3 - Wilbur Joseph Gonsalves in favour of Clovis Vincent Gonsalves (Respondent No.2). It is submitted that Respondent No. 2 is duly authorised to represent Respondent No. 3.

4. It is jointly stated in the Consent Terms that Respondent No.1 - Wenceaslaus Vincent Gonsalves (who was father of Respondent Nos.2 to 6) has expired and is now represented by Respondent Nos.2 to 6 as his legal representatives and therefore, joint request is made to delete the name of Respondent No.1 from the array of Respondents. Such leave is also granted to delete the name of Respondent No.1 from the array of Respondents. Amendment is already carried out.

5. Respondent Nos.2 to 6 are present before the Court who are duly identified by their Advocate. On a query by the Court, Respondent Nos.2 to 6 stated that they have signed the Consent Terms after understanding contents therein and implications thereof.

6. Similarly, the sole Trustee of the Petitioner Trust / Church is also present in Court and is duly identified by his Advocate. He also, on a query by the Court, stated that he has signed the Consent Terms after understanding contents therein and implications thereof.

7. The dispute arose out of proceedings under the Bombay Tenancy and Agricultural Lands Act, 1948. Under the impugned

orders, the Respondents are held and declared as tenants in respect of the subject matter land.

8. It is jointly informed that for a consideration of Rs.1 Crore as stated in paragraph No.3 of the Consent Terms, the Petitioner - Trust is giving up its challenge to the impugned orders and request is made for withdrawal of writ petitions.

9. The payment of Rs.1 Crore is detailed in Annexure – I paid by Respondents in various amounts. The sole Trustee of the Petitioner Trust / Church confirms before the Court that the total amount of Rs.1 Crore is received.

10. Considering the aforesaid and in view of the joint request, the **Writ Petitions are disposed of as withdrawn in terms of Consent Terms marked 'X' Colly.** There shall be no order as to costs.

11. In view of disposal of the writ petitions, pending interim or civil application/s, if any, stand disposed of.

12. All concerned to act on duly authenticated or digitally signed QR verifiable copy of this order.

(M.M. SATHAYE, J.)