

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**APPEAL FROM ORDER NOS.52 and 40 of 2008**  
**APPEAL FROM ORDER NO.52 of 2008**

Shri Suhas G. Lotlikar,  
major, resident of Flat No.1 & 2,  
Lotlikar Building, 503/5,  
J. S. Road, Chira Bazar,  
Mumbai-400 002 .. Appellant/ Interested Party  
V/s

1. Shri Suresh G. Lotlikar,  
Major residing at Lotlikar  
Building, 4<sup>th</sup> floor, 503, Chira  
Bazar, Mumbai- 400 002.
2. Smt. Anjali Narahari Raikar  
residents of House No.881,  
Pundalik Nagar, Alto Betim,  
Bardez Goa and her husband.
3. Dr. Narahari Vinayak Raikar,  
(Since deceased through his  
Legal Representatives)  
a) Manisha N. Vernekar  
b) Sonal P. Lotlikar'  
c) Praveen Lotlikar  
Residents of Sanchayani Ananta,  
Vishvas Building, Flat No.3,  
Vidya Nagar, Margao Goa.  
d) Teja V. Raikar  
e) Vivek Walke,  
Both residing at House No.388,  
Umra Waddo, Salvador-do-Mundo,  
Bardez-Goa.  
f) Kedar Narahari Raikar  
residents of House No.881,  
Pundalik Nagar, Alto Betim,  
Bardez Goa.  
g) Miss Avani Vernekar  
daughter of late Narayandas K. Vernekar,  
through her mother Manisha Vernekar.  
Residents of Sanchayani Ananta,  
Vishvas Building, Flat No.3,

Vidya Nagar, Margao Goa.  
h) Mrs. Trupti K. Raikar,  
resident of Pundalik Nagar,  
Porvorim-Goa.

4. Smt. Seema Raya Karekar  
and her husband.
5. Shri Raya Padmanabh Karekar,  
both residing at A/3, Adarsh Colony,  
Caranzalem Goa 403 002.
6. Smt. Satyawati Govind Lotlikar,  
(deleted as per order dated 30.11.10)
7. Shri Anil G. Lotlikar,  
Major, both residents of 12/A,  
Pajifond, Margao-Goa .. Respondents

Mr. J. P. Mulgaonkar, Advocate for the appellant.

Mr. G. Teles, Advocate for the respondent no.1.

Mr. Sudin Usgaonkar, Senior Advocate with Ms. T. Ghanekar,  
Advocate for the respondent no.7.

**WITH**  
**APPEAL FROM ORDER NO.40 of 2008**

1. Mr. Anil G. Lotlikar,  
son of Govind Narayan Lotlikar  
major of age, businessman, and  
his wife;
2. Mrs. Preeti Anil Lotlikar  
wife of Mr. Anil Lotlikar,  
major of age, housewife,  
  
Both residing at H.No.112,  
Lotlikar House, Opp. Alankar  
Bldg., Paji Fond, Margao, Goa .. Appellants

V/s

1. Mr. Suresh G. Lotlikar,

son of Govind Narayan Lotlikar  
major of age, businessman,  
residing at 503/5, 4<sup>th</sup> Floor,  
Lotlikar Building,  
Jagannath Shankar Shet Road,  
Chira Bazar, Mumbai- 400 002.

2. Smt. Anjali Raikar  
resident of Pundalik Nagar,  
Alto Betim, Bardez Goa  
and her husband.
3. Dr. Narahari Vinayak Raikar,  
(Since deceased through his  
Legal Representatives)
  - a) Manisha N. Vernekar
  - b) Sonal P. Lotlikar'
  - c) Praveen LotlikarResidents of Sanchayani Ananta,  
Vishvas Building, Flat No.3,  
Vidya Nagar, Margao Goa.
  - d) Teja V. Raikar
  - e) Vivek Walke,Both residing at House No.388,  
Umra Waddo, Salvador-do-Mundo,  
Bardez, Goa.
  - f) Kedar Narahari Raikar  
resident of House No.881,  
Pundalik Nagar, Alto Betim,  
Bardez Goa.
  - g) Miss Avani Vernekar  
daughter of late Narayandas K. Vernekar,  
through her mother Manisha Vernekar.  
Resident of Sanchayani Ananta,  
Vishwas Building, Flat No.3,  
Vidya Nagar, Margao Goa.
  - h) Mrs. Trupti K. Raikar,  
resident of Pundalik Nagar,  
Porvorim-Goa.
4. Seema Raya Karekar  
and her husband;
5. Raya Padmanabh Karekar,  
both residents at A/3, Adarsh Colony,

Caranzalem, Goa 403 002.

6. Satyawati Govind Lotlikar,  
Major, resident of 12/A, Pajifond,  
Margao, Goa.  
(deleted as per order dated 30.11.10)

7. Suhas G. Lotlikar,  
Lotlikar Building, 503/5,  
J. S. Road, Chira Bazar,  
Mumbai-400 002.

.. Respondents

Mr. Sudin Usgaonkar, Senior Advocate with Ms. T. Ghanekar,  
Advocate for the appellants.

Mr. G. Teles, Advocate for the respondent no.1.

Mr. J. P. Mulgaonkar, Advocate for the respondent no.7.

**CORAM :- C. V. BHADANG, J.**

**Date : 1<sup>st</sup> September, 2015.**

**ORAL JUDGMENT :**

Both these appeals arise out of the order dated 21/01/2008 passed by the learned Civil Judge, Senior Division, Margao in Special Inventory Proceedings No.2/2003/A (Old No.37/1990/A).

2. The dispute, in short, is that the appellants herein are seeking delisting of some properties, which are already listed in the Inventory Proceedings, started after the death of Estate Leaver late Govind Lotlikar. The matter had earlier reached this

Court in Appeal from Order Nos.93/2007 and 94/2007, in which, by a judgment and order dated 21/11/2007, this Court had remanded the matter to the learned Civil Judge, Senior Division, Margao for rehearing the parties on the applications for delisting and for deciding the matter in accordance with law. After considering that the matter was pending for a long time, the Trial Court was directed to dispose of the same not later than 60 days from the receipt of the copy of the order. Thereafter, the Trial Court passed the impugned order, thereby rejecting the applications of the appellants/ interested parties as not maintainable, being barred by limitation and further "as they do not stand to test on merits".

3. Be that as it may, the learned Counsel for the parties, on instructions, fairly submit that the matter can be remanded back to the Trial Court for deciding the applications (Exhibit 43 and Exhibit 47) afresh, in accordance with law and after giving the parties opportunity to produce the documentary and oral evidence in support of their claim. In such circumstances, by consent, the following order is passed :

#### ORDER

- (i) The appeals are allowed.
- (ii) The impugned order dated 21/01/2008 is hereby

set aside, subject to costs of Rs.10,000/- (in each appeals), payable to the respondent no.1.

(iii) The costs shall be paid on or before 28/09/2015.

(iv) The applications for delisting are remanded to the Trial Court for deciding the same afresh, in accordance with law, after giving the parties opportunity to produce documentary and oral evidence.

(v) Parties to remain present before the Trial Court on 28/09/2015 at 10.00 a.m.

(vi) The Trial Court shall decide the applications at exhibits 43 and 47 as also the Inventory Proceedings as expeditiously as possible and in any event, within a period of six month from 28/09/2015.

(vii) The parties to co-operate for the time bound disposal of the matter.

(viii) Rival contentions on merits are kept open.

(ix) The appeals are disposed of in the aforesaid terms.

**C. V. BHADANG, J.**

SMA