

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 481 OF 2015

Mr. Sameer Digambar Khatkhate,
son of late Mr. Digambar Khatkhate,
age 40 years, businessman,
residing at House no. 38,
Laximi Sadan, Opp. Nova Goa,
Panaji, Goa.

..... Petitioner

V e r s u s

1. Smt. Mohini Jaiwant Khatkhate,
widow of late Mr. Jaivant Khatkhate,
aged 71 years, residing at
House no. 38, n Laximi Sadan,
Opp. Nova Goa, Panaji, Goa.
2. Mr. Sandeep Jaivant Khatkhate,
son of late Jaivant Khatkhate,
aged 43 years, married,
residing at 8022 Peregrine PL,
Sandy, Utah 84094 USA,
through his power of attorney
the Respondent no. 2,
by virtue of the power of
attorney dated 07.07.11
executed at Panaji, Goa.
3. Smt. Kamala Digambar Khatkhate,
widow of late Mr. Digambar Khatkhate,
aged 70 years, household,
residing at Hous e no. 38,
Laximi Sadan, Opp, Nova Goa,
Panaji, Goa.
4. Mrs. Sharmila Lawande,
daughter of late Mr. Digambar Khatkhate,
aged 48 years, married, housewife,
residing at Hill Side Apartments,
Block A, Ground Floor, C-5,
House No. 141, Fontainhas,
Panaji, Goa.
5. Mr. Rajnish B. Lawande,
husband of the Respondent no. 4,
aged 49 years, married, service,

residing at Hill Side Apartments,
Block A, Ground Floor, C-5,
House No. 141, Fontainhas,
Panaji, Goa.

6. Mrs. Aruna Khatkhate alias
Aruna Sachin Prabhu Chodankar,
daughter of late Mr. Digambar Khatkate,
aged 43 years, married,
housewife;
7. Mr,. Sachin Kashinath Prabhu Chodankar,
aged 44 years, married,
both residing at House no. 38,
Laximi Sadan, Opp. Nova Goa,
Panaji, Goa.
8. Mr. Madhuri P. Baokar,
aged 74 years,
residing at 12 Zapura Sahitya Sahawas,
?Bandra East Bombay – 51.
9. Mr. Purshottam Baokar,
agted 80 years,
husband of the Respondent no. 7,
residing at 12 Zapura Shahitya Sahwas,
Bandra, East Bombay – 51.
10. Mr. Tajashree Milind Colvalar,
aged 36 years, married,
residing at C-19, Ganeshpuri,
Housing Colony, Altinho,
Mapusa Bardez, Goa.
11. Mr. Milind Madhukar Colvalkar,
aged 38 years,
husband of the Respondent no. 10,
residing at C-19, Ganeshpuri,
Housing Colony, Altinho,
Mapusa, Bardez, Goa 403 507.
12. Shri Ganpat H. Kamat,
Aged 86 years, widower,
residing at Sapre Apartments,
Ground Floor, Opp. Datta
Guru Mandir, Hanuman Road,
Vile Parle, East,
Mumbai, 400 057.

13. Mr. Ameeta Kulkarni,
aged 58 years, married
resident of 108, Sankeet Apts,
Saant Janabi Marg,
Vile Parle, East,
Mumbai 500 057.
14. Dr. Vidyadhar Kulkarni,
aged 63 years, husband of the
Respondent no. 13, resident of
108, Sankeet Apts,
Saant Janabi Marg,
Vile Parle, East,
Mumbai 500 057.
15. Mrs. Sucheta Patki
aged 36 years, married,
wife of Sumit Patki,
16. Mr. Sumit Patki,
aged 58 years,
husband of the Respondent no. 15,
both residents of C/o Ganpat Kamat,
Sapre Apartments,
Ground Floor, Opp,. Datta Guru,
Mandir, Hanuma Road,
Vile Parle, East Mumbai,
400 057.
17. Mr. Srimati alias Meera A.Hemmadi, (expired)
through her legal representatives;
 - 17A. Mrs. Nutan Pramod Basroor,
aged 69 years, married,
resident of Anita Nagar,
Building no. 11, B-wing 604,
Lokhandwala Complex,
Mumbai, 400 001.
 - 17B Mr. Pramod Basroor
aged 73 years,
resident of Anita Nagar,
Building no. 11, B-wing 604,
Lokhandwala Complex,
Mumbai, 400 001.

- 17C Mr. Bharati Mohan Sthalekar,
aged 68 years, married,
resident of 22nd Floor,
1905/1906, Riveira Towers,
Towers C, Lokhandwala Complex,
Khadivali East,
Mumbai, 400 101.
- 17D Mr. Mohan Sthalekar,
aged 17 years,
husband of the Respondent no. 17C,
resident of 22nd Floor,
1905/1906, Riveira Towers,
Towers C, Lokhandwala Complex,
Khadivali East,
Mumbai, 400 101.
18. Dr. Binata S. Zantye,
(Expired) through her legal
representatives:
- 18A Dr. Avinash Shashikant Zantye,
aged 44 years,
resident of Anmol Bungalow,
Opp. Bangiwadi, Medha, Malvan,
416606, District Sindhudurg,
Maharashtra.
- 18B Dr. Shilpa A. Zantye,
wife of Dr. Avinash Shashikant Zantye,
aged 40 years,
resident of Anmol Bungalow,
Opp. Bangiwadi, Medha, Malvan,
416606, District Sindhudurg,
Maharashtra.
- 18C Dr. Amol Shashikant Zantye,
Aged 42 years,
resident of Anmol Bungalow,
Opp. Bangiwadi, Medha, Malvan,
416606, District Sindhudurg,
Maharashtra.
- 18D Mr. Malavikar A. Zantye,
wife of Dr. Amol Shashikant Zantye,
aged 37 years,
residing at Anmol Bungalow,
Opp. Bangiwadi, Medha, Malvan,

416606, District Sindhudurg,
Maharashtra.

19. Mr. Shashikant Zantye,
aged 75 years, married,
residing at Anmol Bungalow,
Opp. Bangiwadi, Medha, Malvan,
416606, District Sindhudurg,
Maharashtra.
20. Mrs. Aparna B. Shetye,
aged 69 years, married,
residing at Jalamina Society,
Subash Road,
Near United INK Factory,
Vile Parle, East Mumbai 400 051.
21. Mr. Bhaskar Shetye,
aged 73 years,
husband of Respondent no. 20,
residing at Jalamina Society
Subash Road,
Near United INK Factory,
Vile Parle, East Mumbai 400 051.
22. Mr. Srirang S. Guriye,
aged 56 years, married,
residing at 16B Kamat,
Kunji Subhash Road,
Opp. United INK Factory,
Vile Parle, East Mumbai 400 051.
23. Mrs. Vaibhavi Srirang Guriye,
aged 52 years, married,
residing at 16B Kamat Kunji
Subash Road,
Opp. United INK Factory,
Vile Parle, East Mumbai 400 051.
24. Mt. Sachidanand G. Ghurye,
aged 54 years,
residing at 2 Anand Niwas, 74,
Shivaji Park, Dadar,
Mumbai, 400 028.
25. Mrs. Neeta Ghurye,
aged 50 years, wife of Respondent no. 24,
residing at 2 Anand Niwas, 74,

Shivaji Park, Dadar,
Mumbai, 400 028.

26. Mr. Arun Ranganekar,
aged 78 years, married,
residing at Shankar Niwas
Srikrishna Nagar,
Near Sanjay Gandhi Park,
Borivili East, Mumbai 400 066.
27. Ms. Padmavati Ranganekar,
aged 45 years, married,
residing at Shankar Niwas,
Srikrishna Nagar,
Near Sanjay Gandhi Park,
Borivili East, Mumbai, 400 066.
28. Ms. Khanchan Ranganekar,
aged 42 years,
residing at Shankar Niwas,
Srikrishna Nagar,
Near Sanjay Gandhi Park,
Borivili East, Mumbai 400 066.
29. Ms. Geeta Ranganekar,
aged 39 years,
residing at Shankar Niwas,
Srikrishna Nagar,
Near Sanjay Gandhi Park,
Borivili East, Mumbai 400 066.
30. Smt. Sunita Gopalkrishna Prabhu,
aged 70 years, married,
residing at Geeta Sadan,
Lodi Bagh, Karwar,
Karnataka, 581 303.
31. Mr. Gopalkrishna Prabhu,
aged 75 years, married,
residing at Geeta Sadan,
Lodi Bagh, Karwar,
Karnataka, 581 303.

..... Respondents

Mr. V. Menezes, Advocate for the Petitioner.

Mr. Sudin Usgaonkar, Senior Advocate with Ms. Tanvi V. Ghanekar, Advocate for the Respondent nos. 1, 2, 10 and 11.

Coram :- F. M. REIS, J

Date : 7th August, 2015.

ORAL JUDGMENT

Heard Shri Valmiki Menezes, learned Counsel appearing for the Petitioner and Shri Sudin Usgaonkar, learned Senior Advocate appearing for the Respondent nos. 1, 2, 10 and 11.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the Respondent nos. 1, 2, 10 and 11 waives service.

3. During the course of the hearing of the above Petition, the following Order is passed by consent of Mr. V. Menezes, learned Counsel appearing for the Petitioners, upon instructions of the Petitioner, who is present in Court and Shri Sudin Usgaonkar, learned Counsel appearing for the Respondent nos. 1, 2, 10 and 11, upon instructions of the Respondent nos. 1, 2, 10 and 11, who are present in Court :

ORDER

(1) The impugned Order passed by the Appellate Court dated 05.05.2015, passed in MCA No. 113/2013, is quashed and set aside.

(2) The Petitioner is appointed as Cabeça de Casal in the

Inventory Proceedings bearing no.90/2000/A pending before the learned Civil Judge, Senior Division at Panaji.

(3) The learned Civil Judge, Senior Division, Panaji, is directed to dispose of the Inventory Proceedings finally as expeditiously as possible and, in any event, within six months from the date of the receipt of this Order.

(4) Rule is made absolute in the above terms.

4. The parties are directed to appear before the learned Judge on 25.08.2015 at 2.30 p.m.

5. The Petition stands disposed of accordingly with no order as to costs.

F .M. REIS, J.

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