

IN THE HIGH COURT OF BOMBAY AT GOA**FIRST APPEAL NO. 26 OF 2015**

Mrs. Kishori Narayan Fugro,
76 years of age,
Widow of late Shri Narayan Fugro,
r/o. Kinara Darshan,
27, Lake View Colony,
Miramar, Panaji, Goa 403 001.

..... Appellant.

V e r s u s

Mr. Ramnata alias Vishwas Narayan Fugro,
major, s/o. Late Shri Narayan Fugro,
r/o. Gandhi Bhuvan, Bunder Chowk,
Diu 362520

..... Respondent.

Ms. Pimenta Ninotska Lourdes, Advocate for the appellant.

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

CORAM :- F.M. REIS, J.

Date : - 11 MARCH 2016

ORAL JUDGMENT :

Heard Ms. Pimenta Ninotska Lourdes, learned Counsel
appearing for the appellant and Mr. J.P. Mulgaonkar, learned Counsel
appearing for the respondent.

2. Admit. Learned Counsel appearing for the respondent waives service. Heard forthwith, with the consent of the learned Counsel.

3. The above appeal challenges the Judgment and Decree dated 13th January, 2015, passed by the learned Additional Senior Civil Judge, Panaji in Special Civil Suit No.11/2012/B, whereby the suit filed by the respondent was decreed and the Will dated 20th March, 2008 executed by late Narayan Fugro before Notary Public was declared to be null and void and ordered to be cancelled.

4. During the course of hearing of the above appeal, both the parties sought time to settle their dispute, as the dispute is between family members. It was also pointed out that upon the death of the deceased, there are inventory proceedings which are pending before the learned Civil Judge, Sr. Division, Panaji being Inventory Proceedings No. 55/2013/A. Accordingly, both the parties were present before this Court along with their respective Advocates. The learned Counsel appearing for the parties have pointed out that the appellant and the respondent have amicably settled their dispute with

regard to the allotment and distribution of the properties left behind by the deceased Narayan Fugro which are subject-matter of the said Inventory Proceedings No.55/2013/A by signing Consent Terms. The Consent Terms which are duly signed by both the parties along with their respective Counsel, are marked “X” for identification. Both the learned Counsel have pointed out that in terms of the said Consent Terms marked “X” for identification, there is no need for interference in the Judgment of the learned Trial Judge, declaring the subject Will dated 20th March, 2008 as null and void, but, however, the parties have worked an arrangement with regard to the allotment and distribution of the assets of the deceased Narayan Fugro.

5. As such, the above appeal stands disposed of by directing the Inventory Court to consider the said Consent Terms marked X for identification and examine the modalities of allotment and distribution of the assets held by the deceased Narayan Fugro accordingly. The Inventory Court shall, as such, to consider the allotment and distribution of the assets of the deceased on the basis of the certified copy of the Consent Terms marked “X” for identification.

6. The appeal stands disposed of accordingly.

F. M. REIS, J.

ssm.