

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 567 OF 2016

AGNELO CRASTO AND 4 ORS.

... Petitioner

Versus

MS. MILAGRINA D'COSTA AND ANR.

... Respondent

Mr. M. B. D'Costa, Senior Advocate with Ms. K. Betquecar,
Advocate for the petitioners.

Mr. R. Menezes, Advocate for the respondent no.1.

Mr. A. Clovis D'Costa, Advocate for the respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 1st August, 2016

P.C.

By this petition, the petitioners are challenging the order dated 24/11/2015 passed by the Inventory Court, whereby the application filed by the petitioners for removal of the respondent no.1, who is appointed as Cabeça de Casal, has been dismissed, which order has been confirmed in appeal by the learned District Judge.

2. The learned Senior Counsel for the petitioners submits that the respondent no.1 had furnished a declaration as required under the relevant provisions, in which she had concealed the existence of a Will executed by the Estate Leaver No.2. The learned Senior Counsel further points out the provisions of Article 2068 in order to submit that the respondent no.1 does not figure in the order of preference as provided therein. He submits that the application could have been decided on the facts already on record and the Inventory Court was in error in directing enquiry on the application.

3. The learned Counsel for the respondents support the impugned order.

4. On hearing the learned Counsel for the parties, I find that all that the Inventory Court has said is that it shall decide the application after enquiry. It can, thus, be seen that the application filed by the petitioners has not been dismissed and is still under consideration of the Inventory Court. I find that the parties would be able to raise all the contentions as may be available to them in law before the Inventory Court. I find that the impugned order, which merely directs an enquiry on the application, does not call for any interference in the supervisory jurisdiction of this Court.

5. The learned Senior Counsel for the petitioners, in such circumstances, submits that the enquiry on the application filed by the petitioners may be expedited.

6. In the result, the petition is dismissed. The Inventory Court shall decide the application filed by the petitioners as expeditiously as possible and preferably, within a period of eight weeks from the date of receipt of this order. Rival contentions of the parties are left open.

C. V. BHADANG, J.

SMA