

IN THE HIGH COURT OF BOMBAY AT GOA**FIRST APPEAL NO. 113 OF 2015**

1. Mrs. Shweta Manohar Keni,
Daughter of late Vithal Sitaram Narvekar,
wife of Shri Manohar Atmaram Keni
aged 51 years, married, housewife,
 2. Shri Manohar Atmaram Keni,
Son of Atmaram Keni,
aged 58 years, married, service,
Both residing at Bhowtawado,
Assgao, Bardez Taluka Goa.
 3. Mrs. Seema Eknath Parkar,
Daughter of late Vithal Sitaram Narvekar,
aged about 48 years, housewife,
 4. Shri Eknath Parkar,
Son of Jaganath Parkar,
aged about 60 years,
married, business,
both residing at Flat No.5,
Building A-2, Paradise Apartments,
Aquem, Margao Goa.
- ... Appellants

Versus

1. Shri Mahadev Vithal Narvekar,
alias Anand Vithal Narvekar,
Son of late Vithal Sitaram Narvekar,
aged 51 years, married, business,
2. Mrs. Poonam Mahadev Narvekar,
Wife of Shri Mahadev Narvekar,
aged 44 years, housewife,
Both residing at Sundarpeth,
Sanquelim Goa.

3. Shri Gajanan Vithal Narvekar,
Son of late Vithal Sitaram Narvekar,
aged 49 years, married, business,
 4. Mrs. Kanti Gajanan Narvekar,
Wife of Shri Gajanan Narvekar,
aged 44 years, housewife,
Both residing at Sundarpeth,
Sanquelim Goa.
 5. Shri Sitaram Vithal Narvekar,
Son of late Vithal Sitaram Narvekar,
aged 62 years, married, business,
 6. Mrs. Savita Sitaram Narvekar,
Wife of Shri Sitaram Narvekar,
aged 51 years, married, service,
Both residing at Naikwada of Village
Calangute, Bardez Taluka Goa,
 7. Mrs. Sangeeta Chittaranjan Walke,
Daughter of late Vithal Sitaram Narvekar,
wife of Shri Chittaranjan alias
Laxmikant Shivnath Walke,
aged 41 years, Housewife,
 8. Shri Chittaranjan alias Laxmikant
Shivnath Walke,
aged 44 years, married, business,
Both residing at Ganeshpuri,
Mapusa Goa.
- ... Respondents

Mr. R. G. Ramani, Advocate for the appellants.

Mr. Ashwin D. Bhobe, Advocate for the respondents.

Coram:- F. M. REIS, J

Date:- 29th April, 2016

ORAL JUDGMENT

Heard Mr. R. G. Ramani, learned counsel appearing for the appellants and Mr. A. D. Bhobe, learned counsel appearing for the respondents.

2. Admit. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respondents waives service.

4. Upon extensively hearing the learned counsel appearing for the respective parties, the only grievance of Mr. Ramani, learned counsel appearing for the appellants is that though he would not challenge the dismissal of the suit filed by the appellants, nevertheless, according to him, the observations made in the impugned judgment of the learned Trial Judge with regard to the validity of the disputed two Wills executed by the parents and parents in law of the appellants both

dated 20.01.1984 would come in the way of the distribution of the assets in the Inventory Proceedings initiated upon the death of the said deceased. On perusal of the judgment of the learned Trial Judge, the validity of the said two Wills cannot be assailed as both the Wills preceded a Deed of Acquiescence executed by both the parents and as such the validity of such Wills cannot be doubted. The findings with that regard arrived at by the Courts below cannot be faulted.

5. On perusal of the said two Wills, it is not disputed that the specific properties belonging to the deceased/estate leaver have been bequeathed to the respondents on account of the disposable quota of the deceased. The learned Trial Judge while passing the impugned judgment and decree dated 29.05.2015 at para 13 has pointed out that as the appellants had not brought sufficient material on record about the total value of the assets left behind by the deceased, the disposition in the Wills would have to be treated as towards the disposable quota. The observations of the learned Judge in the impugned judgment at para 13 are matters to be examined in an appropriate Inventory Proceedings. Whether the disposition in the Wills would come within the disposable quota or prejudice the legitime of the deceased which all the

descendants are entitled to inherit is a matter to be considered in the Inventory Proceedings. Subject to the said observations, I find that there is no case made out by the appellants for interference in the impugned judgment.

6. Subject to the above, the appeal stands rejected.

F. M. REIS, J.

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