

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 923 OF 2015

1. Subhash Shivnath Chodankar,
alias Subhash Chodankar,
s/o Shivnath Chodankar,
businessman, major of age,
and his wife,
 2. Smt. Pramodini alias
Smita Chodankar,
major of age,
both residing at House No.278,
D'Mello Ward,
Carmona, Salcete Goa.
- ... Petitioners

Versus

1. Satish Shivnath Chodankar
s/o Shivnath Chodankar,
major in age, headmaster,
and his wife,
2. Smt. Anjana Satish Chodankar,
major of age,
both Vidhyamandir High School,
Chicalim, Adarshnagar,
Vasco Goa.
3. Smt. Nalini Mahadev Raikar,
major of age,
wife of late Shri Mahadev Raikar,
& daughter of late
Shivnath Chodankar,
residents of House No.364,
Sacremward,
Chinchinim, Salcete Goa.

4. Shri Shrikant S. Chodankar,
major of age,
s/o late Shivnath Chodankar,
and his wife,
5. Smt. Vinodini S. Chodankar,
major of age,
both resident of House No.236,
Khareband, Margao, Salcete Goa,
6. Smt. Sudha Rama Raikar,
major of age,
daughter of late Shivnath Chodankar,
and her husband,
r/o Flat .No.S-2, near Ram-Sita Niwas,
Colmorod, Margao, Salcete Goa.
7. Rupa Mandikandan Nair,
major of age,
& her husband
8. Mandikandan Nair,
major of age,
Both residents of Flat No.S-2,
Near Ram-Sita Niwas,
Colmorod, Margao,
Salcete Goa.
9. Hema Ajay Vernekar,
major of age, married to
10. Ajay Balkrishna Vernekar,
major of age,
both r/o PWD Quarters,
Amona Quepem Goa.
11. Poma Rajesh Kerkar,
major of age, married to

12. Rajesh Shashikant Kerkar,
major of age,
both r/o H.no.864,
Colmorod, Navelim Goa.
13. Shri Bhicu Rama Raikar, (Expired)
major of age, married to
14. Pallavi Bicu Raikar,
major of age,
r/o Flat No.S-2,
Near Ram Sita Niwas,
Colmorod, Margao, Salcete Goa.
15. Gajan Rama Raikar,
Bachelor, r/o Flat No.S-2,
Near Ram Sita Niwas,
Colmorod, Margao, Salcete Goa.
16. Smt. Malini Pundalik Madkaikar,
major in age,
daughter of late Shivnath Chodankar,
and her husband.
17. Shri Pundalik Ganasham Madkaikar,
major of age,
both residents of Silver Glease
Apartments, 1st Floor, Khareband,
Sirvodem, Margao, Salcete Goa.
18. Smt. Vilasini Shantaram Raikar (Expired)
18(a) Maneshwar Shantaram Raikar,
Bachelor, major,
r/o 2nd Floor, Rosamystica Bldg.,
near Chousiya Masjid,
Sirvodem Margao,

18(b) Nandita Sanjay Karekar,

major of age & her husband

18(c) Sanjay Karekar,
major of age,
Both r/o Indushree Enclave,
1st Floor Pantamtoh,
Bandora, Ponda Goa.

19. Shri Shantaram M. Raikar (Expired)
major of age,
both residents of house no.22,
Sirvodem, Margao,
Salcete Goa.
20. Smt. Shalini Gurudas Lotlikar,
alias Xalini Gurudas Lotlikar,
major of age, daughter of late
Shivnath Chodankar,
and her husband.
21. Shri Gurudas Lotlikar,
major of age,
both residents of room no.5,
Noronha Chawl,
Colomrod, Navelim,
Salcete Goa.
22. Smt. Anjani Anand Lotlikar,
major of age, daughter of late
Shivnath Chodankar,
and her husband
23. Shri Anand Lotlikar,
major of age,
both residents of C/o Anand
Datta Lotlikar,
behind Textile Mill,
St. Jose de Areal Railway Gate,

St. Jose de Areal,
Salcete Goa.

24. Shri Pandurang Shivnath Chodankar,
major of age, son of late Shivnath Chodankar,
and his wife,
 25. Smt. Shaila Pandurang Chodankar,
major of age,
both residents of H.No.35,
Near Vithal Rakhmai Temple,
Orlim, Salcete Goa.
 26. Smt. Vasumati Prakash Raikar,
major of age,
daughter of late Shivnath Chodankar,
and her husband
 27. Shri Prakash Mahadev Raikar,
major, both residents of
Ponsulem, Chawdi,
Canacona, Goa.
 28. Smt. Sumitrabai Pradeep Dhavjekar,
major of age,
daughter of late
Shivnath Chodankar
and her husband
 29. Shri Pradeep Dhavjekar,
major, both residents of
St. Britoes Apts. Co-op. Housing Society,
Near Mapusa Clinic and
Research Center,
Ground Floor,
G-5, Mapusa Goa.
- ... Respondents

Mr. Anthony Joe D'silva, Advocate for the petitioners.

Ms. S. Pereira, Advocate for the respondent nos. 1 and 2.

Coram:- F. M. REIS, J.

Date:- 7th December, 2016

ORAL JUDGMENT

Heard Mr. A. D'Silva, learned counsel appearing for the petitioners and Ms. S. Pereira, learned counsel appearing for the respondent nos.1 and 2.

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

3. The learned counsel appearing for the respondent nos. 1 and 2 waives service.

4. The challenge in the above petition is to the refusal to examine the objections raised by the petitioners to the list of assets to include the claim of improvement to the portion of the property

enlisted in the proceedings and as such objections were not raised within the time prescribed. It was pointed out during the course of the hearing that similar claims towards improvement were put up by the respondents. But however, the learned counsel appearing for the petitioners submits that in view of the arrangement between the parties, the petitioners will not press for their claim towards the improvement in terms of the application dated 07.09.2002. Similarly, the respondent nos. 1 and 2 have also accepted to delete the claim towards improvement in respect of the property enlisted at item no.1. Both the learned counsel have also placed on record the minutes of order disclosing the manner in which the properties enlisted in the Inventory Proceedings are to be allotted.

5. Considering the limited challenge in the above petition as the petitioners are not pressing for their claim based on the objections raised in the Inventory Court and similarly the respondent nos. 1 and 2 have accepted to withdraw their claim towards the improvement as enlisted in the Inventory Proceedings, I find that the above petition can be disposed of accepting the said statement of the learned

counsel upon instructions.

6. The question of disposing of the Inventory Proceedings on the basis of the minutes of order would not arise in the present petition. The learned counsel appearing for the parties have submitted that no interested parties have sought for auction though the Inventory Court has fixed the matter for auction. The minutes of order are as such marked 'X' for identification. The petitioners are at liberty to move the Inventory Court to examine the disposal of the Inventory Proceedings in terms of the minutes of order after hearing all the parties in accordance with law. The petition stands disposed of accordingly.

F. M. REIS, J.

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