

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1113 OF 2016**

1. Andre De Menezes,
39 years, married to Chantal Pinto de Menezes,
House No.148/A
Samudra Darshan
Cacra, Santa Cruz 403 005,
Goa.
 2. Chantal Pinto De Menezes,
33 years, married to Andre de Menezes,
House No.148/A,
Samudra Darshan
Cacra, Santa Cruz 403 005
Goa.
- ... Petitioners

Versus

1. Brenda Nazareth Menezes,
major, widow,
104 A Vainguinim Valley
Dona Paula 403 001,
Taleigaon Goa
2. Maryann Menezes
31 years, married to Sebastiao Antonio
Pinto Rosario,
Pinto Rosario Paradise,
Porvorim Goa.
3. Sebastiao Antonio Pinto Rosario
33 years, married to Maryann Menezes,
Pinto Rosario Paradise,
Porvorim Goa

4. Christine Menezes,
27 years, Single
104/A Vainguinim Valley,
Dona Paula 403 001
Taleigaon Goa
5. Carmen Menezes
25 years, Single
104/A Vainguinim Valley
Dona Paula 403 001
Taleigaon, Goa
6. Peter Menezes
21 years, Single
104/A, Vainguinim Valley
Dona Paula 403 001
Taleigaon Goa
7. Pascoal Menezes,
41 years, Single,
Lee Ann Apartments Ground Floor,
10, Lake View Colony
Miramar, Panaji Goa. ... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. Ashwin Naresh Ramani, Advocate for the petitioners.

Mr. N. Sardessai, Senior Advocate with Mr. Vibhav Rajiv Amonkar, Advocate for the respondents.

Coram:- F. M. REIS, J.

Date:- 15th December, 2016

ORAL JUDGMENT

Heard Mr. S. D. Lotlikar, learned Senior Counsel appearing for the petitioners and Mr. N. Sardessai, learned Senior Counsel appearing for the respondents.

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

3. Mr. V. Amonkar, learned counsel waives service on behalf of the respondents.

4. The challenge in the above petition is to an order passed by the learned Civil Judge Senior Division, Panaji dated 11.11.2016 whereby an application filed by the petitioners inter alia praying for xerox copies of some of the documents which have been enlisted by the Commissioner appointed pursuant to the directions of the Apex Court was partly allowed.

5. The matter was heard at length. During the course of the hearing, opportunities were given to the parties to work out a solution on the modalities by which the documents enlisted in List I and II would be available to the Inventory Court if at all they are so required during the course of the Inventory Proceedings. Consequently, after hearing the learned Senior Counsels appearing for the parties, the following order is passed by consent.

ORDER

(i) The impugned order dated 11.11.2016 stands modified.

(ii) The items in List I as specified at page 142 to 144 of the paper book shall be photocopied under the supervision of the Registrar (Judicial) of this Court and when no expedient, the photos thereof shall be obtained and the copies thereof shall be handed over to the learned counsel appearing for both the sets of parties.

(iii) After such exercise as mentioned herein above is completed, the Bailiff of the learned Civil Judge Senior Division, Panaji shall hand over all the items

enlisted in List I in the custody of the Cabeca de Casal subject to a direction that the Cabeca de Casal shall make all such items in List I available as and when directed by the learned Inventory Court.

(iv) As far as items at List II are concerned at page 144 to 146 in the paper book, all such items upon a panchanama shall be handed over to the Cabeca de Casal subject to a direction that the Cabeca de Casal shall keep all such items in safe custody and make them available as per the directions of the learned Inventory Court during the course of the Inventory Proceedings.

(v) Before such panchanama is drawn, the Bailiff under the supervision of the Registrar (Judicial) of this Court shall take photocopies of all the documents at items mentioned in List II at page 144 to 146 and place all such photocopies in a sealed cover and hand over the sealed cover in the custody of the Cabeca de Casal.

(vi) All the items at List I and the said sealed cover shall be kept in a separate space provided by the Cabeca de Casal who shall be solely responsible for the safe maintenance of such items.

(vii) Such seal shall not be opened by the Cabeça de Casal unless as per the directions of the Inventory Court during the course of the proceedings.

(viii) The exercise being carried out as mentioned herein above is only in the context of arrolamento/attachment in terms of the provisions of the Portuguese Civil Procedure Code and connected provisions and the rights of the parties to any of the items therein would be determined by the Inventory Court on its own merits in accordance with law.

(ix) After such exercise is carried out in terms of the directions of the Apex Court in the order dated 28.04.2016 the petitioners and the respondents agree that the sealed premises shall be desealed and handed over to the Cabeça de Casal.

(x) Rule made absolute in the above terms.

(xi) The petition stands disposed of accordingly.

F. M. REIS, J.

at*