

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 121 OF 2016

MISS. VALINDA NORONHA., ... Appellant
Versus
MRS. ADELINA REBELLO AND 7 ORS., ... Respondents

Mr. Avdhut Arsekar, Advocate for the appellant.

Coram:- F. M. REIS, J.

Date:- 19th January, 2017

P.C.:

Heard Mr. Arsekar, learned Counsel appearing for the appellant. The above appeal challenges the Judgment passed by the Inventory Court, whereby the inventory proceedings have been disposed of in accordance with the shares of the interested parties.

2. Mr. Arsekar, learned Counsel appearing for the appellant has pointed out that the distribution of assets stands vitiated as, according to him, only 50% of the properties described in the inventory proceedings have been partitioned between the heirs. It is further pointed out that the moiety sharer has been granted usufructuary right and, according to him, grave prejudice is caused to the moiety sharer. The learned Counsel, therefore, points out that the rights of the appellant have been reduced. The learned Counsel, as such, points out that the

validity of the partition, therefore, stands vitiated.

3. I have duly considered the submissions of the learned Counsel and with his assistance, I have also gone through the records placed before me. On perusal of the allotment made in the inventory proceedings, the fact that the appellant's 1/3rd share in the estate is not in dispute. The allotment of the property discloses that 1/3rd share in each of the properties has been allotted to the appellant herein considering that the usufruct thereof is allotted to the moiety sharer whose value is half in terms of law.

4. As far as the next contention of Mr. Arsekar is concerned that the moiety sharer is being prejudiced by such exercise, I find that the appellant has no locus standi to raise such a contention. The moiety sharer has not raised any challenge to the impugned allotment. Hence, appeal stands rejected.

F. M. REIS, J.

ssm.