

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1162 OF 2016

SHRI. BASILIO SANTANA CASTELINO @
SHRI. B. S. CASTELINO AND ANR., ... Petitioners

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 7 ORS., ... Respondents

Petitioner in Person.

Mr. Vishwadh Sardesai, Additional Government Advocate, for
Respondents no.1, 2 & 3.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 20th February, 2017

P.C.:

Heard the Petitioner in person and Shri Vishwadh Sardesai,
learned Additional Government Advocate appearing for the
Respondents no. 1 to 3.

2. Upon hearing the Petitioner in person, the grievance of the
Petitioner appears to be that during the subsistence of the
marriage between the Petitioner and the Respondent no. 7, the
Petitioner desires to dispose in favour of his son, some
immovable property and other assets belonging to him. It is his
contention that, to legalise such disposition, the consent of the
Respondent no. 7 would be necessary which the Petitioner is
unable to obtain on account of strained relationship between the
Petitioner and the Respondent no. 7. In terms of paragraph 1 of

Article 1191 of the Portuguese Civil Code, such consent can be made good by approaching a Civil Court in that regard.

3 Article 1191 of Portuguese Civil Code reads thus:

"The husband is not permitted, without the consent of his wife, either to alienate immoveable properties or to move the Court in respect of disputes regarding ownership or possession of immoveable properties.

Paragraph 1. Such consent may be made good judicially when the wife refuses to give it without just cause, or when she is unable to give it."

4. In such circumstances, giving liberty to the Petitioner to approach the court in accordance with law, the above petition stands disposed of.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

msr