

IN THE HIGH COURT OF BOMBAY AT GOA**APPEAL FROM ORDER NO. 20 OF 2018**

**JERONIMO LUIS DIOGO XAVIER DO
ROSARIO E SOUZA @ JERONIMO LUIS
SOUZA AND ANR.,**

... Appellants

Versus

**ELIZA ASSUCENA BARGANZA PEREIRA
SOUZA E MAHATME @ ELIZA SOUZA E
MAHATME @ ELIZA MAHATME AND 4
ORS.,**

... Respondents

Adv. Joaquim Godinho for the Appellants.

Adv. Gustavo Monteiro for Respondents no.3 & 4.

Coram:- C. V. BHADANG, J.

Date:- 11th September 2018.

ORAL ORDER:

The appellant, Jeronimo Luis Diogo Xavier Do Rosario E Souza is the interested Party no.1, while the appellant no.2 is his wife in the Inventory proceedings pending before the Inventory court. It is a matter of record that the respondent no.3, who is the Cabeça da Casal had filed three lists of assets. The first list dated 28/4/2016 contained assets starting from serial no.1 to 311. In the second list dated 6/12/2014 there were assets starting from serial nos. 312 to 424 and in the third list dated 14/2/2017 there were assets starting from serial nos. 425 to 561. It appears that subsequently the third respondent filed a consolidated list on 13/6/2017 containing in all 460 items.

2. It appears that an objection was raised on behalf of the appellants to the effect that the earlier three lists contained total 561 assets, while the consolidated list contained only 460 items. The Inventory Court refused to accept the objection by the impugned order dated 3/2/2108 holding that the consolidated list filed by the third respondent includes all the 561 assets. Thus the objection filed by the appellants to the consolidated list was rejected. It is this order which is subject matter of challenge in this appeal.

3. I have heard Shri Godinho, the learned counsel for the appellants and Shri Monteiro, the learned counsel for the respondents no.3 and 4. Perused record.

4. It is submitted by Shri Godinho, the learned counsel for the appellants that the item nos. 454 to 460 in the consolidated list are new inclusions and they were never included in the earlier lists. It is, therefore submitted that the appellants were precluded from filing any objection, insofar as these items are concerned.

5. Shri Monteiro, the learned counsel for the respondents no.3 and 4 submitted that certain items which were separately listed in the earlier three lists, were consolidated and therefore the number of the items in the

consolidated list did not match with the total number of items taken together in the three separate lists. The learned counsel, however, does not dispute that item nos.454 to 460 have been for the first time listed in the consolidated list. In such circumstances, the only limited prayer made on behalf of the appellants is that the appellants may be permitted to file a reply/objection to the consolidated list in so far as items nos. 454 to 460 are concerned. I find that the prayer so made is justified. In such circumstances, the appeal is disposed off with liberty to the appellants to file an objection to the consolidated list of assets in so far as item nos. 454 to 460 are concerned. The learned counsel for the appellants undertakes to file the objection within two weeks. If such an objection is filed, the Inventory Court shall decide the same on its own merits and in accordance with law.

C. V. BHADANG, J.

Ap/-