

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 147 OF 2018

LISETTE MIRANDA E COTTA AND ANR., ... Petitioners

Versus

ARLINDO XAVIER DE MIRANDA ALIAS
ARLINDO MIRANDA AND 5 ORS., ... Respondents

Shri Mario Joaquim Pinto Almeida, Advocate for the Petitioners.

Coram:- C. V. BHADANG, J.

Date:- 28th June 2018

ORAL ORDER:

Heard the learned Counsel for the petitioners for some time.

2. The petitioners are challenging the judgment and order dated 16.03.2017, passed by the learned District Judge in Miscellaneous Civil Appeal No. 56/2015. By the impugned judgment, the appeal filed by the respondents was allowed and the order dated 21.07.2015, passed by the learned inventory Court, was set aside. By the order dated 21.07.2015, the Inventory Court has held the heirs of the deceased inventariado, to be entitled to a share of the properties listed. In short, the inventory Court had dismissed the objection filed by the interested party, Mr. Arlindo Miranda, which now stands granted by virtue of the fact that the appeal has been allowed.

3. The learned Counsel for the petitioners submitted that since after the passing of the order, the inventory proceedings are decided on merits and that judgment is subject matter of challenge in appeal bearing no. 42/2017, before the learned District Judge. The learned Counsel for the petitioners also submitted that grounds about the objection being allowed is also raised in the appeal. In such circumstances, I decline to entertain the petition, which is accordingly disposed off. Needless to mention that the learned District Judge shall decide the appeal no. 42/2017 on its own merits and in accordance with law, without being influenced by the findings in the impugned judgment.

C. V. BHADANG, J.

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