

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 310 OF 2019

IN

APPEAL FROM ORDER NO. 9 OF 2018

AGOSTINHO CRUZ PINTO AND ANR., ... Applicants

Versus

MARIA AUGUSTA PINTO E FERNANDES
AND 3 ORS., ... Respondents

Mr. Shivan Desai, Advocate for the Applicants.

Mr. F.E. Noronha, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 4th April 2019

P.C.

Heard Mr. Desai, the learned Counsel for the applicants and Mr. Noronha, the learned Counsel for the respondents.

2. This is an application for speaking to the minutes of the order dated 27.02.2019, passed in Appeal From Order No. 9/2018 and in particular para 3 thereof, by which, this Court had made it clear that this will not preclude, the Inventory Court, from proceeding with the auction.

3. Mr. Desai, the learned Counsel for the applicant submitted that the order cannot be taken to mean that this Court had directed the auction to be held. It is submitted that all that this

Court had directed is that the Inventory Court can proceed with the inventory proceedings.

4. Mr. Noronho, the learned Counsel for the respondents pointed out that the inventory proceedings are fixed for auction since long and therefore, any clarification at this stage will mean that the Inventory Court cannot proceed with the auction.

5. On hearing the learned Counsel for the parties, it is made clear that, all that this Court meant by virtue of para 3 is that the Inventory Court can proceed with the inventory proceedings, in accordance with law. If at all, the inventory is already fixed for auction, nothing can prevent the Inventory Court from proceeding with the auction, in accordance with law.

6. The civil application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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