

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 592 OF 2019

NARAYAN SADU SHETGAONKAR., ... Petitioner

Versus

DEU FATI SHETGAONKAR., ... Respondent

Mr. Ganesh R. Naik, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 10th July 2019

ORAL ORDER:

The challenge in this petition is to the order dated 15.12.2018 (below Exhibit-22), passed by the Inventory Court in Inventory Proceedings No. 13/2016. By the impugned order, an application Exhibit-22, filed by the petitioner, for intervention has been dismissed.

2. The aforesaid inventory proceedings are initiated by the respondent Deu Fati Shetgaonkar. The subject matter of inventory proceedings is land survey no. 239/12 of village Morjim.

3. The petitioner filed application Exhibit-22 for intervention, on the ground that the respondent has initiated the inventory proceedings by misrepresentation of facts. It is contended that the names appearing in occupants column of Form No. I & XIV

of survey no. 239/12 of village Morjim is 'Fati Sadu Shetgaonkar' and the death certificate of the father of the respondent records his name as 'Fati Sajro Shetgaonkar'. In short, it is contended that the name of the father of the respondent is Sajro Shetgaonkar and not Sadu Shetgaonkar and the property bearing survey no. 239/12 of village Morjim is in possession of the intervenors and other co-owners.

4. The Inventory Court has dismissed the application on the ground that the petitioner/intervenor has not produced any documents to show that he has any right in the property bearing survey no. 239/12. The Inventory Court has noticed that the intervenors alongwith his family members have filed a suit being Regular Civil Suit No. 59/2016 for permanent injunction, in which, the claim of the intervenors is that the suit property is owned and possessed by him alongwith other co-owners. Lastly, the Inventory Court has found that it is for the Head of Family (HoF) to produce documents to show that the suit property bearing survey no. 239/12 was belonging to the estate leaver.

5. On hearing Mr. Naik, the learned Counsel for the petitioner and on perusal of the record, I do not find that any case for interference is made out. At this stage, the petitioner has not produced any documents to show any semblance of right over land survey no. 239/12, which is subject matter of inventory

proceedings. The petitioner has independently staked a claim of ownership, which is required to be adjudicated in Regular Civil Suit No. 59/2016. No case for interference in the supervisory jurisdiction of this Court under Article 227 of the Constitution of India is made out. In the result, the petition is dismissed. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner in Regular Civil Suit No. 59/2016.

C. V. BHADANG, J.

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