

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 44 OF 2018

SHASHIKAN G. LOTLIKAR, THR. POA,
NARENDRA PANDU CHATIM AND 2 ORS., ... Appellants

Versus

JAGANTA PORISRAM CHATIM @
JAGANNATH PARSHURAM SHIRODKAR AND
127 ORS., ... Respondents

Mr. Chaitanya Prakash Padgaonkar, Advocate for the Appellants.

Mr. Sudin Usgaonkar, Senior Advocate with Ms. Vinita Vishram
Palyekar, Advocate for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 22nd January 2019

ORAL ORDER:

This appeal is filed by the appellants, who are interested party nos. 1(2)(vi), 2(2)(vi)(i) and 3(2)(vi)((i)(a)), through their Power of Attorney holder.

2. The appellants had filed an application (Exhibit-59) before the Inventory Court, seeking a direction to the Head of the Family, Mr. Jaganata Shirodkar to issue the documents as listed in the said application at Serial Nos. 1 to 15, which basically comprise of death certificate/birth certificate alongwith marriage certificate of the interested parties and the birth certificate, school leaving certificate, marriage certificate, pension card or

ID card from the Navy and passport copy of the Head of the Family.

3. The Inventory Court by an order dated 27.09.2017, dismissed the application (Exhibit-59), inter alia on the ground that the appellants could have obtained the said documents from the concerned authorities and the appellants have not shown any sufficient cause as to what efforts they took for obtaining the documents from the said authorities and as such, the application is nothing, but an attempt to delay the proceedings. This is the first order, which is subject matter of challenge in this appeal.

4. It appears that the appellants sought to file an application for review of the said order, which was barred by limitation by 131 days. In such circumstances, the appellants filed an application (Exhibit-D/62) for condonation of delay, on 15.02.2018, seeking condonation of delay of 131 days in filing the application for review, which application has been dismissed by the Inventory Court by an order dated 18.04.2018, which is the second order, which is subject matter of challenge in this appeal.

5. I have heard Mr. Padgaonkar, the learned Counsel for the appellants and Mr. Usgaonkar, the learned Senior Counsel for the respondent no. 1. Perused record.

6. On hearing the learned Counsel for the parties, I do not find that any case for interference is made out. The Inventory Court, in my considered view, is right in finding that the appellants could have obtained the documents, as sought for, from the concerned authorities. Mr. Padgaonkar, the learned Counsel for the appellants has referred to an application made to the employer of the respondent no. 1/Head of the family, under the Right to Information Act, seeking information as to the date of birth of the respondent no. 1, date of discharge and school leaving certificate. That application has been rejected by the employer on the ground that it is a third party information. It is not shown as to whether, the appellants are challenging the status/appointment of the respondent no. 1 as the Head of the Family. Admittedly, there is no challenge to the status/appointment of the respondent no. 1 as the Head of the family. Needless to mention that the appellants would be entitled to raise all such contentions, both of law and facts, as may be available to them before the Inventory Court, including all such objections as may be available in law. However, the impugned order dated 27.09.2017 and the subsequent order dated 18.04.2018, dismissing the application for condonation of delay in seeking review of the order dated 27.09.2018 do not exhibit any infirmity, so as to require interference. In that view of the

matter, the appeal is dismissed, with no order as to costs.

C. V. BHADANG, J.

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