

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 275 OF 2019

SURENDRA GAJANAN SAMANT., ... Petitioner

Versus

SHAMSUNDAR MAHADEV SAMANT., ... Respondent

Petitioner in person.

Coram:- C. V. BHADANG, J.

Date:- 24th June 2019

P.C.

Heard the petitioner in person. Perused record.

2. The only ground raised by the petitioner, who appears in person, is based on Section 372 of The Goa Succession, Special Notaries and Inventory Proceeding Act, 2012,(Act, for short), which reads thus :

"372. Inventory in the event of dissolution of joint family:-

(1) When a joint family as governed by Decree dated 16.12.1880 is dissolved, the estate may be partitioned by instituting inventory proceeding and the procedure hereafter provided shall be applicable.

(2) The member of the joint family who was in the charge of management of its assets shall be the head of the

family.

(3) The general rules that regulate partition among co-heirs shall be applicable to partitions amongst the members of the family.

3. Precisely, the contention is that unless the joint family is dissolved in accordance with the Decree dated 16.12.1880, the Inventory Proceeding is not maintainable.

4. A perusal of the objection raised by the petitioner before the Inventory Court at this stage does not show that there is any statement made that the joint family is not yet dissolved. Thus, the contention cannot be accepted.

5. I have gone through the impugned order and it does not suffer from any infirmity so as to require interference. However, the ground raised on the basis of Section 372 of the Act is kept open to be gone into by the Inventory Court at the final disposal of the Inventory Proceedings.

6. With this, the Writ Petition is dismissed.

C. V. BHADANG, J.