

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.919 OF 2019**

Kunal S. Dhargalkar & Anr.

... Petitioners

Versus

Kishori Haldankar & Ors.

... Respondents

Shri Ashwin Naresh Ramani, Advocate for the Petitioners.

Shri B. Khandeparkar, Advocate for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 17th February 2020****ORAL ORDER :**

In the inventory proceedings, the petitioners are the two of the co-owners. When the first respondent was in the witness box, for the reasons not relevant here, the inventory Court forfeited the petitioners' right to cross-examine that witness. So he applied for the recall that order of forfeiture but could not succeed. Aggrieved, he has filed this Writ Petition.

2. This Court, on 18/10/2019, required the petitioners to deposit ₹15,000/- before this Court in three days towards “tentative costs.” That deposit was made.

3. Heard Shri A.N. Ramani, the learned counsel for the petitioners, and Shri B. Khandeparkar, the learned counsel for the respondents.

4. This Court has already imposed cost on the petitioner; it is meant, I reckon, to allow them an opportunity to cross-examine the witness. That requirement complied with, I see no further hurdle for the

petitioners to have their prayer granted.

5. I, therefore, dispose of this Writ Petition, holding that the first respondent will withdraw the amount the petitioners have deposited. After such withdrawal, on the date of next adjournment before the inventory Court, the petitioners must be ready to cross-examine the first respondent. Subject to the inventory Court's convenience and schedule the parties shall proceed further.

As a result, the impugned order is set aside.

DAMA SESHADRI NAIDU, J.

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