

IN THE HIGH COURT OF BOMBAY AT GOA

**Misc. Civil Application No.870/2019
IN
WRIT PETITION NO.366/2018.**

Beena Martins @ Beena Zacharia
and 2 ors.

... Petitioners.

Versus

Dr. Meenacshi Philomena Martins

... Respondents.

Mr. Nigel da Costa Frias, Advocate for the Petitioner.

Mr. Somnath B. Karpe, Mr. A. Sawant and Ms. Asmita Tirodkar,
Advocates for the Respondent.

Coram : BHARATI H. DANGRE, J.

Dated : 15th JANUARY, 2021.

P.C.:

On 13.06.2018 the following order was passed by consent
and the petition was disposed of:

*“Heard Shri Kantak, the learned Counsel for the
petitioners and Shri Pereira, the learned Senior Counsel
for the respondent, for some time.*

2. *By consent of parties, the petition is disposed of in the following terms:*

(i) *Both the impugned orders dated 20.12.2017 are hereby modified.*

(ii) *The bailiff shall visit the house, in the presence of both the parties and their Advocates and shall verify the existence of the movables at item nos.1 to 33 in the list of assets in the house.*

(iii) *The bailiff shall prepare a list of the items, which are found in the house from out of item nos.1 to 33 and shall also click photographs of such items only.*

(iv) *Parties shall co-operate with the bailiff for carrying out the work assigned to him by this order and shall not create any obstruction in the work of bailiff.*

(v) *The part of the order relating to issuance of the letter to the Bank Manager of all the Banks mentioned in the application at Exhibits D-30 and D-35 and a direction to furnish details of the bank accounts/deposits/lockers standing in the name of Estate Leaver, is hereby maintained.*

(vi) *The petition is disposed of in the aforesaid terms.*

2. The Misc. Civil Application seeks modification of the said order as taken out by the petitioner and seeks the following reference:-

“A) That this Hon'ble Court may be pleased to modify its order dated 13/06/2018 to the effect that the Inventory Court be directed to appoint a commissioner to verify the existence of the movable items nos.1 to 33 in the applicants house in the presence of both parties and their advocates and to list such of them as are found.

B) That the entire process of the inspection, verification and listing of the assets by the court commissioner be video recorded and carried out with police protection.

3. It is pertinent to note that the order dated 13.06.2018 was passed by the consent of the parties. The respective Counsel for the parties on deliberation, now consent for the bailiff to be accompanied by an independent advocate, when he visits the house and verify the existence of the movables at item nos.1 to 33 in the list of assets in the house, in terms of Clause (ii) of the order dated 13.06.2018.

4. Both the respective Counsel agree as to the name of Ms. Geena Almeida, Advocate who would accompany the bailiff on his

visit to the house.

5. The learned Advocate whose name has been agreed, would accompany the bailiff on the date which he is directed to visit the house, in terms of the directions dated 13.06.2018, on 30.01.2021 at 11.00 a.m.

6. It is made clear that the Advocate will oversee the process directed to be undertaken by the bailiff in Clause (ii) of the order dated 13.06.2018.

7. The aforesaid modification has been consented by both the parties.

8. The learned Counsel for the applicant shall deposit ₹25,000/- as remuneration for the learned Advocate who has consented to be involved in the proceedings as per the directions issued by this Court, in one week and the learned appointed advocate, is entitled to withdraw the same, after day of visit.

9. The Civil Judge, Senior Division, 'A' Court, Mapusa is directed to arrange for deputation of a bailiff to comply with the directions

dated 13.06.2018 on 30.01.2021 at 10.30 a.m.

10. The Misc. Civil Application stands disposed of.

BHARATI H. DANGRE, J.

MF/-