

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL FROM ORDER NO.35 OF 2014
WITH
MISCELLANEOUS CIVIL APPLICATION NO.879 OF 2014
IN
APPEAL FROM ORDER NO.35 OF 2014**

SUNIL VAMANKETKAR

... Appellant

Versus

**VAMAN BHASKAR
KETKAR AND ANR.,**

... Respondents

**Mr Vishnuprasad A. Lawande with Mr Parimal Redkar
and Mr. K. Naik, Advocates for the Appellant.**

Mr J. J. Mulgaonkar, Advocate for Respondents.

CORAM: M. S. KARNIK, J.

DATED : 15th June 2023

ORAL ORDER:

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The appellant had filed inventory proceedings before the Adhoc Senior Civil Judge 'A' Court, Ponda. The objection was raised by the respondents that the Court in which the inventory proceedings are filed has no jurisdiction to conduct the proceedings. The Inventory Court observed that deceased Vaman and his wife Vandana are not domiciled in Goa and hence, the Family Law of Goa is not applicable to them as the

applicant (present appellant) has not placed on record evidence to show that he was born in Goa as required under the provisions of Family Law in Goa and also as held in ***Eugenia Rana v/s. Hirabai Hiralal Rana & Ors*¹**.

3. The Inventory Court was pleased to pass an order dismissing the inventory proceedings on the ground that the Court has no jurisdiction.

4. Learned counsel for the appellant placed on record a communication received from the appellant that he wishes to withdraw the appeal with permission to file the proceedings under the Hindu Succession Act before the lower Court. The the copy of the communication is taken on record and marked as 'X' for identification.

5. That the inventory proceedings are rejected by the Court on the ground that it has no jurisdiction, will not deprive the appellant from seeking remedies before the competent Court. The appellant wants to pursue the proceedings before the lower Court under the Hindu Succession Act.

6. It is open for the appellant to pursue the matter before the competent Court under the Hindu Succession Act having territorial jurisdiction to decide the matter. It is obvious that the inventory Court has not gone into the merits of the matter as it held that the Court has no jurisdiction and hence, the proceedings if filed by the appellant before the competent

¹ 2006 B.C.I. 105.

Court will have to be dealt with on its own merits and in accordance with law. The proceedings in this Court were pursued by the appellant bonafide and, therefore, the period spent in pursuing the present appeal from order shall be considered sympathetically by the competent Court, should the question of limitation arise.

7. The writ petition is disposed of as withdrawn with the liberty as aforesaid.

8. Nothing survives for consideration in the civil application and the same also stands disposed of.

M. S. KARNIK, J.

MARIA SUZANA
REBELLO

Digitally signed by MARIA
SUZANA REBELLO
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