



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.129 OF 2023

BLASCO J.G. LUIS PEREIRA RODRIGUES ... PETITIONER
Versus
RUSSELL MARK RODRIGUES AND ANR ... RESPONDENTS

Mr John Abreu Lobo, Advocate for the Petitioner.

Mr Sylvester Cotta, Advocate for the Respondents.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 23rd July, 2024

P.C.:

1. Heard Mr J. Lobo, learned Counsel for the Petitioner and Mr S. Cotta, learned Counsel for the Respondents.
2. Mr. Lobo submits that the Petitioner expired yesterday.
3. Since the present matter is filed with regard to provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, on the death of the Petitioner, the proceeding becomes infructuous.
4. However, Mr. Lobo would submit that the dead body of the Petitioner is required to be kept for the last rites in the ancestral house

till the funeral is over which is scheduled tomorrow. He submits that the body of the Petitioner be allowed to be kept in his ancestral house till the conclusion of the funeral.

5. The learned Counsel for the Respondents fairly submits that the body of the Petitioner could be kept in the ancestral house till the funeral process is over. However, he apprehends that the son of the Petitioner who is an Advocate and the other son of the Petitioner may create some issues in the house as he alleged that there was an incident of assault by the Advocate son on Respondent No.3 a few days back.

6. Mr. Lobo disputes such incident however he assured that the sons of the Petitioner will not be interfering or creating any untoward incident in the said ancestral house from the time of placing the body of the Petitioner in the house till the funeral is over.

7. Since the Petitioner expired and the Respondents agreed that the body could be kept in the ancestral house, it is expected that the relatives including both the sons would see that the entire funeral process is carried out without any dispute or problem. On the assurance of Mr. Lobo and the assurance of the Respondents, the dead body of the Petitioner can be kept in the ancestral house by today 05.30 p.m. till the funeral is over which is scheduled tomorrow.

8. With the above observations, the petition stands disposed of.

9. The parties to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.