



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO.5 OF 2024

IN

SECOND APPEAL NO.42 OF 2022

SUNITA LOPES

... APPLICANT

Versus

SAOZINHA MARIA DO CEU ANTANASIO

PIEIDADE LOPES AND 7 ORS

... RESPONDENTS

Mr Gustavo Monteiro, Advocate for the Applicant.

Mr J. E. Coelho Pereira, Senior Advocate with Mr Sagar Rivankar, Mr Pancham Phadte, Vinod Korgaonkar and Ms Vaishnavi Sawant, Advocates for Respondent Nos.1 to 8 (Original Appellants).

Mr Omkar Parab, Advocate for Respondent Nos. 9(a) and 9(b).

CORAM:- VALMIKI MENEZES, J.

DATED :- 7th January, 2025

P.C.:

1. This application seeks a review of Judgment dated 04.09.2023 whereby this Court was pleased to allow Second Appeal No.42/2022, quashing and setting aside the Judgment of the District Court. The Judgment under review held that an appeal against an Allotment in Inventory Proceedings, on grounds of fraud, was maintainable. By the Judgment sought to be reviewed, the matter was remanded back to the Appellate Court for fresh consideration.

2. The two main grounds for review are the following:-

(a) That though Judgments were cited to support the submissions that the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 was a special law and the principles applicable to a general law could not be applied to this Special Court, judgments were not considered whilst passing the impugned order.

(b) That the Court proceeded on the erroneous assumption that the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 came into force on 19.09.2016, when in fact it was brought into effect on 21.12.2016 which was the date after the appeal was lodged after the Inventory was commenced (09.11.2016).

3. In my opinion, both the above grounds constitute grounds of appeal and are not grounds which partake of an error apparent on the face of the record. Judging the review application on the basis of the above grounds would literally amount to revisiting all the submissions afresh, which is not permissible in review jurisdiction.

4. The review application is, therefore, dismissed.

VALMIKI MENEZES, J.