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IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL FROM ORDER NO.26 OF 2024

MARIA FLORA GONSALVES @ MARIA
FLORA GONSALVES E SOARES AND ANR ... APPELLANTS
Versus
CLAUDINA CARMELINA JULIANA SOARES
E D CRUZ AND 12 ORS ... RESPONDENTS

Mr. Nigel Da Costa Firas with Mr. V. Surlakar and Mr. K. Panchal,
Advocates for the Appellants.

Mr. A. F. Diniz, Senior Advocate with Ms. Nicole Mayekar,
Advocate for Respondent Nos. 1, 10, 11 and 12.

CORAM:- VALMIKI MENEZES, J.

DATED :- 2nd July, 2025

P.C.:

1. Learned Senior Counsel appearing for the Respondent Nos. 1, 10, 11 and 12 raised a preliminary objection that the impugned order dated 22.07.2024 is one passed under Section 435 of the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012, that the same is not appealable in terms of Sub Section (3) of Section 435. He submits that such an order can be challenged along with the challenge to the final order confirming the Chart of Partition at the time a First Appeal is filed in terms of Sub Section (1) of Section 461.

2. Learned Advocate appearing for the Petitioner has considered this

legal position and seeks leave to withdraw this Appeal with liberty to challenge this order as and when the final order is passed. Leave is granted.

3. Considering that Inventory Proceedings No. 267/2014/C/A is not yet disposed of with a final order, the petition shall stand dismissed as withdrawn with liberty as prayed for. All contentions of the parties raised in this petition to challenge the order are kept open for being adjudicated upon as and when the final order is challenged. The interim order, if any, shall stand vacated.

VALMIKI MENEZES, J.