



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO.6/2025

CHANDANA ANIL SALGAOCAR ... PETITIONER

Versus

LAKSHMI ANIL SALGAOCAR AND ORS. ... RESPONDENTS

Ms Chandana Anil Salgaocar, Petitioner in person.

CORAM: VALMIKI MENEZES, J.

DATED: 22nd AUGUST 2025

ORDER :

1. The Registry to waive objections and register the matter.
2. This is a Contempt Petition filed alleging wilful disobedience of this court's order dated 28.05.2025. The petitioner contends that whilst dismissing the two appeals vide order dated 28.05.2025, this Court had issued a direction to the appellant no.1 in the judgment, to file a list of assets, the appellant no.1 being the head of the family in an Inventory proceedings bearing No.78/2016/B pending before the Civil Court.
3. The orders impugned in the aforementioned appeals were orders dated 03.07.2018 and 26.02.2019 by which the Trial

Court had dismissed applications of the Head of the Family (HOF) and directed the HOF (appellant in Appeals from Order No.28/2019 and No.7/2025) to file a List of Assets of the estate of late Anil Salgaonkar, in terms of Section 399 of the Goa Succession, Special Notaries and Inventory Proceedings Act 2012.

4. In the appeals by the HOF, this Court, by order dated 28.05.2025, dismissed the appeals. In the closing line of the order, this Court directed the HOF to file a list of assets. The direction contained in the order, obviously, was in line with the directions issued by the Trial Court in the orders dated 03.07.2018 and 26.02.2019, impugned in the appeals, keeping the requirements of Section 399 of the Act in mind. These were not directions of mandatory nature but were directions to comply with a stage of inventory proceedings, in this case the stage of filing a List of Assets. In these circumstances, the contempt proceedings will not lie to seek enforcement of these orders or seek their compliance.

5. It was further submitted by the petitioner that there is wilful disobedience on the part of the respondent no.1 by not only refusing to file the List of Assets, but that the list now filed before the Trial Court, after dismissal of her appeal by this Court is a provisional List of Assets and Liabilities (Part 1), which is a truncated list of the assets without disclosing all assets within the knowledge of the HOF.

6. If this is the contention of the petitioner, there are provisions in the Goa Succession, Special Notaries and Inventory

Proceedings Act 2012 that provided for removal of the HOF. Section 384 specifies the seven grounds on which the HOF may be removed from office and a different HOF could be appointed by the Trial Court. The allegations made by the petitioner in the present petition, which she contends constitute wilful disobedience, if applied for and proved by the petitioner before the Trial Court may constitute grounds under clause (I) and clause (V) of Section 384. The petitioner has failed to take recourse to the remedy provided under Section 384, in which the burden would lie on the petitioner to prove the remiss in duty cast upon the HOF, which is alleged to be a ground under Section 384. This petition would therefore not lie, where a specific remedy is provided under the statute.

7. Two judgments have been cited by the petitioner to contend that contempt action would lie in the facts of the present case - *Rustam Phiroze Mehta v/s. State of Maharashtra & Ors – Writ Petition (ST) No.3221/2020 decided on 15.07.2021* and *Cipla Limited v/s. Krishna Dushyant Rana* reported in *2016 SCC OnLine Bom 5895*.

8. In the case of *Rustom Phiroze (supra)*, the Division bench of this court, was exercising writ jurisdiction under Article 226 of the Constitution of India and contemplating exercise of its contempt jurisdiction for wilful disobedience and administration of justice, by acts of one of the Respondents in deliberately not complying with Orders of Disclosure made by the court and for filing a false and incomplete affidavit. That was a case where the court was dealing with conduct of a party in a writ petition

directly interfering with administration of justice by filing a false affidavit. On facts, therefore, the judgement rendered in *Rustom Phiroze (supra)* was quite different from the one which is before me.

9. In *Cipla Ltd (supra)*, a single judge of this court was dealing with a summary suit before it, for recovery of money. In the execution of the decree passed in that suit, the judgement debtor was directed to file an affidavit disclosing his assets. The contempt action sought to be take by the court in the case was for filing a false affidavit. There again, was a case where the Court sought to take action for interference with the administration of justice by filing a false affidavit. As held by me above, it is open to the petitioner to file such application she deems fit making allegations of the false statements by the HOF, as alleged herein, before the Trial Court, which may consider such application in terms of the provisions of Section 384 of the Succession Act, Special Notaries and Inventory Proceedings Act 2012; However, this would not be the forum to agitate this issue.

10. The facts in both the above judgments are cases where a specific direction either to disclose a list of assets in execution proceedings or where the specific directions to perform an act according to the orders passed by the Court were involved. On facts, these judgments are distinguishable and do not apply to the present case, where the statute itself provides for the remedy for dereliction in performance of duties by the HOF under the Act.

11. No case has been made out to issue notice for contempt.
The Contempt Petition is rejected.

VALMIKI MENEZES, J.